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R E P O R T S
FROM
C O M M I T T E E S:

SEVEN VOLUMES.

— (6.) —

NEW FOREST;
NEW FOREST DEER REMOVAL, &c. BILL (1851);
POLICE SUPERANNUATION FUNDS.

Session
5 February — 13 August 1875.

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VOL. XIII.

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REPORTS FROM COMMITTEES:

1875.

SEVEN VOLUMES:—CONTENTS OF THE

SIXTH VOLUME.

N.B.—*THE* Figures at the beginning of the line, correspond with the N° at the foot of each Report; and the Figures at the end of the line, refer to the MS. Paging of the Volumes arranged for The House of Commons.

NEW FOREST:

- ✓341. Report from the Select Committee on New Forest; together with the Proceedings of the Committee, Minutes of Evidence, Appendix, and Index - - - - - p. 1

NEW FOREST DEER REMOVAL, &c. BILL (1851):

- ✓192. Reports from the Select Committee on the New Forest Deer Removal, &c. Bill; together with the Proceedings of the Committee and Minutes of Evidence, Session 1851 - - - - - 365*

POLICE SUPERANNUATION FUNDS:

- ✓352. Report from the Select Committee on Police Superannuation Funds; together with the Proceedings of the Committee, Minutes of Evidence, Appendix, and Index - - - - - 367

R E P O R T

FROM THE

SELECT COMMITTEE

ON

N E W F O R E S T;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, to be Printed,
16 July 1875.

Tuesday, 16th March 1875.

Ordered, THAT a Select Committee be appointed to inquire into and Report upon the present condition of affairs in the New Forest, into the operation of "The Deer Removal Act, 1851," and particularly into the exercise and effect of the powers of inclosure given by that Act.

Thursday, 18th March 1875.

Ordered, THAT the Petition of Persons entitled to rights in and over the New Forest, for alteration of Acts injuriously affecting the Petitioners and others, be referred to the Committee.

Thursday, 22nd April 1875.

Committee nominated of—

Lord Henry Scott.
Mr. Cowper-Temple.
Mr. William Henry Smith.
Sir William Harcourt.
Earl Percy.
Sir Charles Dilke.
Mr. Lopes.
Colonel Kingscote.

Lord Eslington.
Mr. Alexander Brown.
Mr. John Stewart Hardy.
Mr. Ryder.
Mr. Ernest Noel.
Mr. Edward Stanhope.
Mr. Biddulph.

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Monday, 3rd May 1875.

Ordered, THAT Mr. Lopes be discharged from further attendance upon the Committee.

Ordered, THAT Mr. Rodwell be added to the Committee.

Tuesday, 1st June 1875.

Ordered, THAT the Petition from Southampton, against inclosure, be referred to the Committee.

Friday, 16th July 1875.

Ordered, THAT the Committee have power to Report the Minutes of Evidence taken before them to The House.

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R E P O R T.

THE SELECT COMMITTEE appointed to inquire into and Report upon the present Condition of Affairs in the **NEW FOREST**, into the Operation of "**THE DEER REMOVAL ACT, 1851**," and particularly into the exercise and effect of the Powers of Inclosure given by that Act;—**HAVE** considered the **Matters** to them referred, and have come to the following **RESOLUTIONS**, which they have agreed to Report to The House :—

THAT the **New Forest** shall remain open and uninclosed except to the extent to which it is expedient to maintain the existing right of the Crown to plant trees.

That the ancient ornamental woods and trees shall be carefully preserved, and the character of the scenery shall be maintained.

That powers of inclosure conferred by Statute shall be exercised only on that area which has hitherto been taken in at various times, and been either kept or thrown out under the Acts 9 & 10 Will. 3, c. 36, 48 Geo. 3, c. 72, and the Deer Removal Act, 1851.

That the Crown should retain the power of keeping 16,000 acres of growing timber and trees planted under the Acts of William III. and 1851, at all times under inclosure; and that the Crown be entitled to enclose and throw out at will any portion of the area over which the powers of planting are to be exercised, with a view to its unrestricted use in such manner as may be deemed expedient for the most profitable growth of timber and trees; but that the rolling power over the open portion of the Forest not now planted or inclosed under the Acts William III. or 1851 should cease.

That a nominal quit rent be charged by the Crown to the commoners for the exercise of the right of common during fence month and winter hayning; provision may be made, if possible, for the payment of such quit rent by some body representative of the commoners.

That the Verderers Court be reconstituted, so as to better represent the commoners, and to have power to regulate the exercise of the commoners' rights over the Forest, and to appoint officers to prevent encroachments upon them.

That all the rights of the Crown reserved under the Acts of William III. and 1851, except as it is herein suggested that they should be modified, be maintained.

That provision be made that in the event of any future severance of interests in the Forest between the Crown and the commoners, the limitations now proposed to be placed on the exercise of rights of the Crown should in no way prejudice the claims of the Crown.

16 July 1875.

PROCEEDINGS OF THE COMMITTEE.

Tuesday, 27th April 1875.

MEMBERS PRESENT:

Lord Henry Scott. Lord Eslington. Mr. Biddulph. Mr. Ryder. Mr. Edward Stanhope. Colonel Kingscote. Mr. John Stewart Hardy. Mr. William Henry Smith.		Mr. Ernest Noel. Mr. Cowper-Temple. Mr. Beach. Sir William Harcourt. Earl Percy. Sir Charles Dilke. Mr. Alexander Brown.
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Mr. WILLIAM HENRY SMITH was called to the Chair.

The Committee deliberated.

[Adjourned till Friday, 7th May, at Twelve o'clock.]

Friday, 7th May 1875.

MEMBERS PRESENT:

Mr. WILLIAM HENRY SMITH in the Chair.

Mr. John Stewart Hardy. Earl Percy. Lord Henry Scott. Mr. Biddulph. Mr. Edward Stanhope. Mr. Cowper-Temple.		Mr. Ryder. Sir Charles Dilke. Colonel Kingscote. Mr. Alexander Brown. Lord Eslington.
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Mr. Horace Watson was examined.

[Adjourned till Tuesday next, at Twelve o'clock.]

Tuesday, 11th May 1875.

MEMBERS PRESENT:

Mr. WILLIAM HENRY SMITH in the Chair.

Mr. Biddulph. Lord Henry Scott. Earl Percy. Mr. Ryder. Mr. Rodwell. Mr. Edward Stanhope. Mr. Ernest Noel.		Mr. Cowper-Temple. Lord Eslington. Sir Charles Dilke. Mr. John Stewart Hardy. Mr. Kingscote. Mr. Alexander Brown.
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Mr. Horace Watson was further examined.

[Adjourned till Friday, 28th May, at Twelve o'clock.]

Friday, 28th May 1875.

MEMBERS PRESENT:

Mr. WILLIAM HENRY SMITH in the Chair.

Lord Eslington.
Mr. Ryder.
Sir Charles Dilke.
Mr. Ernest Noel.
Mr. Cowper-Temple.

Colonel Kingscote.
Mr. Biddulph.
Lord Henry Scott.
Mr. Alexander Brown.
Mr. John Stewart Hardy.

The Hon. *J. K. Howard* was examined.

[Adjourned till Tuesday next, at Twelve o'clock.]

Tuesday, 1st June 1875.

MEMBERS PRESENT:

Mr. WILLIAM HENRY SMITH in the Chair.

Lord Henry Scott.
Lord Eslington.
Mr. Rodwell.
Mr. Biddulph.
Mr. Ernest Noel.

Mr. Cowper-Temple.
Mr. Ryder.
Sir Charles Dilke.
Mr. Alexander Brown.

The Hon. *J. K. Howard* was further examined.

Mr. *L. H. Cumberbatch* was examined.

[Adjourned till Friday next, at Twelve o'clock.]

Friday, 4th June 1875.

MEMBERS PRESENT:

Mr. WILLIAM HENRY SMITH in the Chair.

Mr. Ryder.
Mr. John Stewart Hardy.
Mr. Cowper-Temple.
Lord Eslington.
Sir Charles Dilke.

Colonel Kingscote.
Mr. Alexander Brown.
Mr. Rodwell.
Lord Henry Scott.

Mr. *L. H. Cumberbatch* was further examined.

Mr. *John Clutton* was examined.

[Adjourned till Tuesday next, at Twelve o'clock.]

Tuesday, 8th June 1875.

MEMBERS PRESENT:

Mr. WILLIAM HENRY SMITH in the Chair.

Mr. Ryder.
Mr. John Stewart Hardy.
Mr. Ernest Noel.
Mr. Cowper-Temple.
Lord Henry Scott.

Lord Eslington.
Sir Charles Dilke.
Colonel Kingscote.
Mr. Alexander Brown.

Mr. *H. J. T. Jenkinson*, Mr. *W. Stead*, and Mr. *W. C. D. Esdaile*, were severally examined.

[Adjourned till Friday next, at Twelve o'clock.]

PROCEEDINGS OF THE

Friday, 11th June 1875.

MEMBERS PRESENT :

Mr. WILLIAM HENRY SMITH in the Chair.

Mr. Cowper-Temple.
Lord Eslington.
Colonel Kingscote.
Mr. Alexander Brown.
Sir William Harcourt.

Mr. Ernest Noel.
Lord Henry Scott.
Mr. John Stewart Hardy.
Sir Charles Dilke.

Mr. *W. C. D. Esdaile* was further examined.

[Adjourned till Tuesday next, at Twelve o'clock.]

Tuesday, 15th June 1875.

MEMBERS PRESENT :

Mr. WILLIAM HENRY SMITH in the Chair.

Lord Henry Scott.
Sir William Harcourt.
Mr. Cowper-Temple.
Colonel Kingscote.
Sir Charles Dilke.
Lord Eslington.

Mr. Ernest Noel.
Mr. John Stewart Hardy.
Mr. Ryder.
Mr. Alexander Brown.
Earl Percy.

Mr. *John Clutton* and Mr. *W. C. D. Esdaile* were severally further examined.

Mr. *E. P. Squarey* and Mr. *Charles Pink* were severally examined.

[Adjourned till Friday, at Twelve o'clock.]

Friday, 18th June 1875.

MEMBERS PRESENT :

Mr. WILLIAM HENRY SMITH in the Chair.

Mr. Rodwell.
Mr. William Harcourt.
Mr. Ryder.
Lord Henry Scott.
Lord Eslington.
Colonel Kingscote.

Mr. John Stewart Hardy.
Mr. Cowper-Temple.
Mr. Rodwell.
Mr. Alexander Brown.
Mr. Ernest Noel.
Earl Percy.

Mr. *E. P. Squarey* and Mr. *Charles Pink* were further examined.

Mr. *T. Smith Woolley* and Mr. *F. F. Lovell* were severally examined.

[Adjourned till Tuesday next, at Twelve o'clock.]

Tuesday, 22nd June 1875.

MEMBERS PRESENT :

Mr. WILLIAM HENRY SMITH in the Chair.

Mr. Rodwell.
Mr. Ryder.
Mr. John Stewart Hardy.
Mr. Cowper-Temple.
Lord Henry Scott.

Sir Charles Dilke.
Earl Percy.
Sir William Harcourt.
Mr. Ernest Noel.

Mr. *Francis Compton*, Mr. *W. Egerton*, Mr. *Mark Dunning*, Mr. *C. Thomas*, Mr. *W. Parnell*, Mr. *David Kitcher*, Mr. *James Seager*, Mr. *T. Charter*, and Mr. *T. Smith*, were severally examined.

[Adjourned till Friday next, at Twelve o'clock.]

Friday, 25th June 1875.

MEMBERS PRESENT:

Mr. COWPER-TEMPLE in the Chair.

Lord Eslington.	Colonel Kingscote.
Earl Percy.	Lord Henry Scott.
Mr. Ryder.	Mr. Ernest Noel.
Mr. Edward Stanhope.	Sir William Harcourt.
Mr. John Stewart Hardy.	Mr. Alexander Brown.

Mr. *Henry Fawcett* (a Member of the House) and Mr. *G. E. Briscoe Eyre* were severally examined.

Mr. *W. C. D. Esdaile* and Mr. *Horace Watson* were further examined.

[Adjourned till Friday, 9th July, at Twelve o'clock.]

Friday, 9th July 1875.

MEMBERS PRESENT:

Mr. WILLIAM HENRY SMITH in the Chair.

Mr. Cowper-Temple.	Mr. John Stewart Hardy.
Lord Eslington.	Earl Percy.
Sir Charles Dilke.	Mr. Alexander Brown.
Mr. Ernest Noel.	Colonel Kingscote.
Sir William Harcourt.	Mr. Edward Stanhope.
Mr. Ryder.	Mr. Rodwell.

RESOLUTIONS to be proposed by the *Chairman*, read, as follows:

" 1. THAT the New Forest shall remain open and uninclosed except to the extent to which it is expedient to maintain the existing right of the Crown to inclose for the purpose of planting timber and trees.

" 2. That the ancient ornamental woods shall be carefully preserved so that the character of the scenery shall be maintained.

" 3. That the balance of land liable to inclosure for planting under the Acts of William III. and 1851, be determined by competent authority; and that when ascertained a small Commission should be directed to set out the inclosures, subject to an instruction that they should hear and determine whether the land to be so set out could be spared from the commons and highways with due regard to the interests of the commoners as they existed in 1851. The limit of inclosure to not less than 300 acres to be repealed.

" 4. That the same Commission should hear any representations as to the necessity for improved drift ways in existing inclosures, and have power to provide for them, as also in the land to be inclosed.

" 5. That the Crown should retain 16,000 acres of growing timber and trees planted under the Acts of William III. and 1851, at all times under inclosure; but that the rolling power over the open portion of the forest not now planted or inclosed under the Acts of William III. or 1851 should cease.

" 6. That a nominal quit rent be charged by the Crown to the commoners for the exercise of the right of common during fence month and winter heyning; such quit rent to be paid individually, or by some body representative of the commoners.

" 7. That the Verderers Court be reconstituted, so as to better represent the commoners, and to have power to regulate the exercise of the commoners' rights over the forest, and to appoint officers to prevent encroachments upon them.

" 8. That all the rights of the Crown reserved under the Acts of William III. and 1851, except as it is herein suggested that they should be modified, be maintained and exercised."

DRAFT REPORT proposed by Lord *Henry Scott*, read the first time as follows :

" 1. New Forest consists of a tract of land lying in the south-western corner of the county of Hampshire, between the Solent, Southampton Water, and the Avon. The boundaries were ascertained by perambulation in the twenty-ninth year of Edward I., and subsequently in the year of Charles II. These two perambulations substantially agree, and the bounds have not since been varied. The Commissioners appointed in the last century to inquire into the Woods, Forests, and Land Revenues of the Crown, in their Report state that, according to the latter perambulation, the ' Forest extends from Godshill, on ' the north-west to the sea on the south-east, above 20 miles, and from Hardly on the east ' to Ringwood on the west, above 15 miles, and contains within those limits about 92,365 ' acres.' The Commissioners further found that within these boundaries were situated about 28,516 acres of land held in severalty, of which about 2,193 belonged to the Crown and 26,323 to private landowners. Since the date of this Report the Crown has sold, under certain statutory powers, about 1,103 acres of the open Forest. The residue of about 63,000 acres constitutes the Forest with which your Committee have to deal, and is alone referred to as the Forest in this Report.

" 2. Prior to the year 1698, the whole of this area appears to have lain open and uninclosed. By an Act passed in that year, power was conferred upon the Crown to inclose as a nursery for wood and timber only, in specified proportions during a period of 22 years, 6,000 acres of the waste of New Forest, and when the trees in any part of the said 6,000 acres were past danger of browsing of deer, cattle, or other prejudice, to throw such part out and inclose an equal portion of any other part of the residue of the said wastes. The inclosures thus authorised were to be held free from common rights during the time of inclosure.

" 3. It was enacted that they should be set out by a Royal Commission, to be directed to six or more persons (of whom two should be justices of the peace for the county of Southampton, not being officers of the Forest) out of such part or places in the said Forest as should be esteemed by the said Commissioners, or any three or more of them, to be most convenient to be inclosed, and to be most apt and meet to produce wood and timber for the future benefit of the kingdom, and might be best spared from the commons and highways of the county.

" 4. By an Act passed in the year 1808, the Crown was enabled to put in force the power of inclosure thus conferred without observing the conditions of time imposed by the first Act.

" 5. By the Deer Removal Act, 1851 (into the operation of which your Committee is appointed to inquire), the Crown was authorised to inclose and plant with trees of any kind out of the waste lands of the said forest, any quantity of land not exceeding 10,000 acres in the whole in addition to the 6,000 acres authorised to be planted under the Act of Will. 3, so that there should not be more than 16,000 acres inclosed at one and the same time, and such inclosures were directed to be made by a Royal Commission directed to six or more persons (of whom two should be justices of the peace for the county of Southampton and not officers of the Forest), and to be set out and made from and out of such parts or places in the Forest (except certain lands drained with tiles) as should be found or ascertained by the Commissioners to be most convenient to be inclosed, and to be best adapted for the growth and produce of timber or other trees, and might be best spared from the commons and highways of the said Forest. It was further provided, that whenever the Crown authorities should be satisfied that the woods and trees growing within any of the said inclosures made under or by virtue of the Acts of Will. 3 and Geo. 3, or that Act, were become past danger of browsing of cattle or other prejudice, and should lay the same or any part thereof open and in common, then and so often it should be lawful for them to inclose and plant with trees, in lieu of so much of the inclosure as should be so laid open, the like quantity out of any other part of the residue of the wastes of the forest for the like purposes.

" 6. By Section 43 of the Act, it was directed that no inclosure thenceforth to be made under either Act should be less than 300 acres in extent, exclusive of public ways intersecting it.

" These powers of plantation have been exercised as follows:—

	A.	R.	P.
Under the Act of Will. 3 there have been planted about	14,552	3	17
Of which have been thrown out again about - - -	8,552	3	17
Leaving an area now within fences of about - - -	6,000	0	0
Under the Act of 1851 there have been closed in all -	5,036	1	16
Making a total of inclosures of about - - - - -	11,036	1	16
And of plantations formerly inclosed and now thrown out, of - - - - -	8,552	3	17
Or a total of plantations under the several Acts quoted of about - - - - -	19,589	0	33

" 7. The

Mr. Watson, Q. 18.

36 Geo. 3, c. 87.

Mr. Watson. Q. 18,
p. 14.

9 & 10 Will. 3, c. 36,
ss. 1 and 3.

Sect. 1.

48 Geo. 3, c. 72, s. 3.

9 & 10 Will. 3, c. 36 ;
48 Geo. 3, c. 72.

House of Lords
Return, 1866, No. 147.
House of Commons
Returns, 1875,
No. 228.

"7. The open Forest remaining consists of about 43,000 acres. 30,000 acres of the whole forest have been described by Mr. Clutton as too poor to plant with profit, and as not being worth for any purpose more than 1 s. 9d. an acre annually. Of this land, nearly 29,000 acres remain open. The remaining 14,000 acres consist of pasture and woodland intermixed, the area actually covered with ancient natural wood being estimated at about 5,000 acres. These woods are of the most picturesque character, and the whole area of the open Forest possesses a beauty peculiar to itself, arising from the combination of heath, lawn, and woodland.

Howard. Q. 518.
Cumberbatch. Q. 966.

"8. The soil of the Forest, including the plantations made under the Acts of 1693 and 1851, is vested in Her Majesty, Her heirs and successors, and is managed by the Commissioners of Her Majesty's Woods and Forests by virtue of the powers conferred upon them by the Act of 10 Geo. 4, c. 50. The whole area, except the plantations within fences, is subject to the exercise under certain conditions of rights of common of pasture, pannage, turbary, estovers and digging of marl. The persons entitled to these rights were ascertained by Commissioners appointed by the Deer Removal Act, 1851, and by an Act passed in the year 1854 for the settlement of claims upon and over the New Forest, and a print of the register of claims settled by them has been laid before your Committee.

10 Geo. 4, c. 50, s. 8.

17 & 18 Vict. c. 49.
Q. 2880.

"9. Prefixed to this register is a declaration that each allowance of any right is made subject to the laws and assize of the Forest, and a list of the special conditions under which each right is exercised. It is only necessary here to refer to the statement that 'every right of common of pasture may be exercised and enjoyed at all times of the year, except during the fence month, that is to say, the 20th day of June to the 20th day of July yearly, and the time of the winter-heyning, that is to say, the 22nd day of November to the 4th day of May yearly.'

Mr. Watson. Q. 15.

"10. Your Committee have it in evidence that the total acreage of the lands entitled to a right of common of pasture over the forest under the limitations stated in the register is not less than 65,000 acres, of which two-thirds are situated outside the bounds of the Forest.

Mr. Cumberbatch.
Q. 1048.

Mr. Esdaile. Q. 1752.
2114.

"11. It has also been stated to your Committee, that it appears by the register of claims that, there are 207 commoners who only own one acre; 200 who own from one to four acres; 126 who own 4 to 10; 51 who own from 12 to 20, and 44 who own from 20 to 30.

Mr. Esdaile. Q. 1643.

"12. The right of turbary exercised in the New Forest, appurtenant, it is stated, to not less than 1,500 houses, consists in cutting the heath and ling with their substratum of top soil from the lands of the Forest for fuel, to be burnt on the premises of the person exercising the right. A turbary right for one cottage extends to the cutting of about 4,000 turves. Evidence has been given that the turf thus cut renews itself, and that the land upon which it is cut is so poor that it is of little use for other purposes.

Mr. Cumberbatch.
Q. 1048.

Mark Dunning.
Q. 319, pp. 4, 5.
Dunning, Q. 3192.
Kitcher, Q. 3339,
p. 40; 3362, p. 4.
Seager. Q. 3398, p. 9.

"13. Previously to the passing of the Deer Removal Act, 1851, the Crown was entitled to enforce forestal laws over the waste lands of the New Forest. These laws have reference to the protection of deer, and the preservation of the vert or herbage of the Forest for their use. By the Deer Removal Act it was provided that within two years from the passing of the Act all Her Majesty's deer within the Forest should be removed, and that from and after such removal the right to keep deer in the Forest should absolutely cease. By the 7th section of the Act all the rights of Her Majesty in, over, or upon the Forest (other than the right of keeping deer therein) were saved.

14 & 15 Vict. c. 76,
ss. and 2.

"14. Your Committee having to investigate the present condition of affairs in the Forest, and the operation of the Deer Removal Act, first examined on the subject the Crown officials, Mr. Horace Watson, the Solicitor to the Commissioners of Woods and Forests; Mr. Howard, the Commissioner having charge of the Forest; Mr. Cumberbatch, the Deputy Surveyor of the Forest; and Mr. Clutton, a receiver of the Crown land upon the revenues, who has from time to time visited and reported upon the Forest.

"15. The case put forward by these witnesses was to the following effect.

"16. They allege that the Deer Removal Act, 1851, was a compact between the Crown and the commoners, and that the latter had no right to seek for a modification of its provisions without the concurrence of the Crown.

Mr. Howard.
Q. 242. 275.

"17. In support of this allegation they referred to certain negotiations which had taken place between a few commoners who petitioned against the Bill, chiefly represented by Mr. Castleman and Lord Malmesbury on the one side, and Lord Seymour (now Duke of Somerset, and then First Commissioner of Woods and Works) on the other, the result of which was that the amount which the Crown was authorised to inclose at one time was reduced from 14,000 to 10,000 acres, that the new inclosures were directed to be of a minimum size of 300 acres each, and that clauses for settling the rights of common were prepared and inserted in the Bill.

Mr. Watson. Q. 53.

"18. It has been pointed out that the commoners were in full enjoyment of all the benefits conferred upon them by this Act, the deer having been removed and the common rights ascertained, but that the Crown had not yet received its immediate compensation, viz., the inclosure of 10,000 acres.

Mr. Howard. Q. 245.

Mr. Howard, Q. 355.
551-53.
Mr. Watson.
Q. 3740-50.
Mr. Cumberbatch.
Q. 1149.
Ib. Q. 251.
Ib. Q. 262.

Mr. Howard.
Q. 371-377.
Mr. Clutton. Q. 1175.

Mr. Howard. Q. 360.
Mr. Clutton. Q. 1244.
1315.

See Appendix.

Mr. Esdaile.
Q. 1704. 2131.
Mr. Esdaile.
Q. 2131. 2158.
See Mr. Watson.
Q. 3710.
Mr. Esdaile. Q. 2131.
Ib.
Mr. Compton.
Q. 2899.

Mr. Esdaile. Q. 2158.
New Forest Deer
Removal, &c. Bill
(1851). Reports, &c.
Sess. 1875, No. 192,
Q. 128, 135-7.

Mr. Esdaile. Q. 2118.

Q. 3049. 3143. 3217.
3243. 3306. 3336.
3404. 3475. 3516.

Wm. Egerton.
Q. 3091.

Q. 3312-3315. 3409-
3412.

Q. 3340.

Q. 3158. 3366.

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3072-3075. 3116-
3121. 3239-3242.
3481, 3482.
And see Mr. Woolley,
Q. 2621. 2640.
Mr. Howard.
Q. 246. 514.
Mr. Squarey and
Mr. Pink. Q. 2357.
Mr. Woolley, Q. 2621.

Mr. Squarey and
Mr. Pink. Q. 2354-5.

Mr. Howard says only
6,000. Q. 517-22.

Mr. Esdaile. Q. 2144.

" 19. It has been urged that the Commissioners of Woods had but one duty under this Act to obtain 10,000 acres of the best land in the forest for the growth of trees; but it has also been said that the inclosures have been actually selected by a commission, upon which the commoners were and are fully represented, and that any statements of the commoners to that commission have always been carefully considered.

" 20. It was further argued that the rights of the Crown were, previously to 1851, paramount over those of the commoners in the New Forest, inasmuch as the Crown had the right to keep an unlimited stock of deer, and thus to deprive the commoners of any pasturage whatever, and therefore the commoners could have no right to complain, however much their interests might suffer through the operation of the Deer Removal Act; and opinions were given that the Crown had obtained, in the Act of 1851, a very inadequate compensation for the right to keep deer.

" 21. Several witnesses possessing common rights or resident in the New Forest were examined by your Committee upon these statements, and in support of the allegations contained in petitions referred to your Committee signed by about 1,200 commoners.

" 22. These witnesses objected to the Act of 1851 being in any sense deemed a compact, and pointed out that the first element in a compact was wanting, viz., two parties to contract. The commoners had not, in 1851, been ascertained, and Lord Seymour stated in Parliament that no consent could be obtained from them, because it was not known who they were. Further, no meetings of commoners were held in 1851 to consider the Bill, nor any collective action taken. The commoners who petitioned against the Bill were very few in number, and were confined to the wealthier class. They entered into no agreement, but simply obtained from the Commissioner of Woods the best terms they could. Moreover, they were in the end deceived in the terms they really obtained, and believed the effect of the Bill in one important point to be the reverse of what it was. Mr. Gardiner, then solicitor of the Commissioners of Woods, when examined before the Select Committee on the Bill in 1871, stated that the forestal right of the Crown over the residue of the Forest would be gone on the passing of the Bill, the Crown retaining only its right of soil and right of timber. In fact, however, even forestal laws which related to the deer only, such as fence-moath and winter-heyning, still exist, although the reason for them is gone.

" 23. It was further suggested that the commoner's opposition was disarmed by the fact that the power of inclosure under the Acts of Will. 3 and Geo. 3 had been exercised so gradually during 150 years that little injury had been done to the commoners.

" 24. Much evidence was given to show that the continued operation of the Act of 1851, as hitherto carried on, must render the commoners' rights worthless.

" 25. Landowners, tenant farmers, and small freeholders from different parts of the Forest have concurred in stating that many of their best feeding grounds have been inclosed, that their beasts are not doing so well on the Forest as formerly, and that if further inclosures of good land are made they will have nothing left. One farmer had ceased turning out cows owing to the depreciation in the feed.

" 26. Certain inclosures which have been proposed, it was stated, would render the common rights of those living near them worthless.

" 27. On the other hand, the poor heath lands are very valuable to the commoners, especially to small holders, as affording fuel during the winter and the use of the ashes as manure for their lands. Several witnesses stated their preference for turf over any other kind of fuel.

" 28. All witnesses resident in the Forest agreed in the statement that the planted inclosures thrown out are almost useless for pasturage, and that therefore the theory of some of the Crown witnesses, that the extension of inclosures over the whole Forest would not seriously injure the commoners, because they would always have 47,000 acres of some kind open, was entirely fallacious.

" 29. Three surveyors gave it as their opinion that if certain areas proposed to be inclosed were taken in, the commoners' interest in the whole Forest would be reduced from more than one-half, its value in 1849 (Mr. Clutton on behalf of the Crown then put it at one-half, although he now says on a mistaken principle of valuation), to less than one-sixth at the present time, and they considered it very much depreciated by the inclosures already made.

" 30. It was hardly disputed that the land within fences comprise for the most part the best land in the Forest. And it may be deduced from the statements of professional witness that only about 11,000 acres of open of the better quality remain to satisfy cattle levant and couchant on 65,000 acres of inclosed land.

" 31. One witness stated to the Committee that if all the claims which have been made by the Commissioners of Woods were fully carried out nothing would remain to the commoners.

" 32. The argument that the commoners cannot complain if this is the case because their rights were always subservient to those of the Crown, has been met thus. The commoners'

commoners allege that they know of no instance on record in any forest of the driving off of the commoners' cattle because there was insufficient feed for the deer, and they say that there was always sufficient feed in the summer for all the deer that could be kept in the Forest in the winter, and for the commoners' cattle also. It does not appear to be contended that the cattle could be excluded except during winter-heyning and fence month, and as a fact in New Forest no exclusion in fence month has ever taken place. Therefore, although the Crown had the right to keep an unlimited stock of deer, that right was practically limited by natural causes, and by the inability of the Crown to clear the wastes except during the periods named.

Mr. Esdaile.
Q. 2122, 2206.

Mr. Clutton. Q. 2035

"33. It has also been pointed out, that the opinion of the law officers of the Crown, upon which the claims put forward by Crown witnesses are based, was given in 1810 in relation to Windsor Forest, and that when that Forest was disafforested three years after, the allotment in respect of forestal rights was specified in the Act of Parliament to be 9-32nds, a practical illustration of what was meant by the opinion.

Mr. Esdaile.
Q. 1718-20.

"34. It is admitted that the inclosures under the Act of 1851 have been set out under the authority of the Commission appointed under the Act, upon which there are gentlemen having common rights. It has been given in evidence, however, that the smaller commoners are under the impression that this Commission has been over-reached by the Commissioners of Woods and Forests, and has not fully protected their interests. Complaint has also been made that the Commissioners of Woods have not acted in accordance with the 3rd section of the Deer Removal Act, 1851, in selecting the lands to be inclosed through their Deputy Surveyor without consulting the rest of the Commission, instead of leaving the Commission itself to set out and make them. It appears that the practice adopted was that the Crown members of the Commission called a meeting and produced a map with the proposed inclosures indicated thereon, and asked the Commissioners at once to approve of them. In this way at one meeting 7,650 acres of inclosure were passed without the knowledge of a single commoner in the Forest outside the Commission, and without the examination on the ground of any inclosure by any member of the Commission other than the Crown officials.

Mr. Compton. Q. 2893.

Mr. Esdaile. Q. 1820.

Mr. Esdaile. Q. 1821.

Mr. Howard. Q. 443.
Mr. Esdaile. 1819.
Mr. Lovell. Q. 2836-9.

"35. Until 1867 no public notice was given of any proposed inclosure.

"36. It has also been pointed out that though hitherto several commoners have been on the Commission it is in the power of the Crown at any time to issue a Commission having no commoner on it, and that Mr. Howard intimated that such a course might become necessary in his Report to the Treasury of 1867.

Mr. Esdaile, Q. 1823-4.

Parliamentary Papers,
Sess. 1871, No. 123,
p. 11.

"37. Your Committee find that the commoners and residents in the Forest have been alarmed, not only by the actual injury they have sustained, but by indications of an express intention on the part of the Crown officials to destroy the value of their rights, with a view to the reduction of the allotment that would be made to them in the event of an inclosure. On the 31st December 1853, Mr. Cumberbatch, the Deputy Surveyor of the Forest, addressed to the then Commissioner of Woods and Forests a letter, in which he advised the Crown to exercise its power of inclosure as soon as possible, 'because, exclusive of other advantages, by so doing all the best pasture would be taken from the commoners, and the value of their rights of pasture would thus be materially diminished, which would be of importance to the Crown in the event of any such rights being commuted.' Mr. Cumberbatch followed up this letter by certain evidence to the same effect before a Committee of this House in 1854. The commoners allege that this advice has, in fact, been acted upon, and your Committee do not find this to be denied either by Mr. Howard or by Mr. Cumberbatch himself.

Report 1854; Q. 1542.

Mr. Howard.
Q. 368, 830.
Mr. Cumberbatch.
Q. 1145.

"38. The position of the public with regard to the Forest has been alluded to by most of the witnesses before your Committee, and evidence specially directed to this point has been given by Professor Fawcett, a Member of your House, and Mr. Eyre. It is in evidence that petitions, praying for the preservation of the Forest in its present condition, have been presented from large numbers of the most distinguished artists and literary men, from entomologists and other men of science, members of the Legislature, and persons residing in all parts of the kingdom.

Professor Fawcett.
Q. 3451-3607.
Mr. Eyre.
Q. 3641-3664.
See Appendix.

"39. It appears to your Committee that much picturesque timber has been destroyed since 1851. It has already been stated that there only remain about 5,000 acres of such woods, whereas in 1849 it was stated, on behalf of the Crown, that there were 9,000.

Mr. Howard.
Q. 440-469.
Mr. Cumberbatch.
Q. 1076-1092.
Mr. Jenkinson.
Q. 1382, 1394-5.
Mr. Lovell. Q. 2707-2722, 2840-3, 3107, 3472-3.
Mr. Stead. Q. 1582-3.
Professor Fawcett.
Q. 3548, 3581.
Mr. Eyre. Q. 3648-3654, 3558, 3546.

"40. It has been proved that the public now largely frequent the Forest for pleasure, and that their numbers are increasing every year.

"41. Professor Fawcett has stated to the Committee that the interest felt in the Forest is by no means local, but extends generally over the country. He has also expressed his opinion, from a life-long acquaintance with the Forest, that it is unique as an open space, and that he knows of no private park to compare with it in beauty.

"42. This has been confirmed by other witnesses.

Mr. Lovell.
Q. 2719-21, 2834.

"43. It has been urged on the Committee that, from an economical point of view alone, it is far more important to preserve for general public enjoyment such an open space as 341.

Mr. Eyre. Q. 3610-18.
Professor Fawcett.
Q. 3571-2.

the New Forest than, by sacrificing it, to obtain a small increase of revenue. The Crown having already planted nearly 20,000 acres of the best land in the Forest, will always have an adequate nursery for timber, and a sufficient source of revenue in the Forest, without making any further inclosure; and it has been stated that any such inclosure will detract from the public enjoyment of the Forest, for which purpose the poor heath lands are essential.

Professor Fawcett.
Q. 3503-4. 3585. 3599.

" 44. Evidence of the interruption of highways, by the blocks of inclosure made by the Crown, has been given by several witnesses. Masses of inclosure, four and ten miles long, have been pointed out, and it is stated that hardly any drift-ways have been left through them. Moreover, the gates of inclosures are often locked.

Mr. Lovell.
Q. 2826-32.
Mr. Dunning.
Q. 3199.

" 45. It has been suggested by the deputy surveyor and Mr. Clutton that the ancient ornamental woods will perish unless cattle are excluded from them, so that they may reproduce themselves by seedlings, but the authority of a chief inspector in the forestal service of Prussia has been quoted to the opposite effect.

Mr. Eyre. Q. 3631.

" 46. Such a fencing of the old woods has, moreover, been strongly condemned by other witnesses; in fact, by all those conversant with the Forest. It has been urged that it would destroy their natural beauty, and lead to their becoming impenetrable masses of tangled undergrowth; that it would be impracticable, owing to the peculiar character of the woods, and their intermixture with glades and lawns; and that, for the purpose of promoting a natural succession of timber, it is only necessary from time to time to encourage the undergrowth and stop the cutting of fern (which is carried on under the authority of the Crown), in the few spaces where trees may have failed, from time to time.

Mr. Lovell.
Q. 2728-2734.
Mr. Eyre. Q. 3026-3031. 3634-40.

" 47. A question has been raised before your Committee whether the power of inclosure granted by the Act of Will. 3, the amending Act of George 3, and the Act of 1851, enable the Crown to throw inclosures open to common and to inclose in lieu of lands so thrown open an unlimited number of times, or twice only.

9 & 10 Will. 3, c. 36.
48 Geo. 3, c. 72.
14 & 15 Vict. c. 70.

" 48. The solicitor of the Office of Woods declined to express an opinion on this subject, and no opinion of counsel has been taken by the Commissioners of Woods, although they were requested by the Commission for Inclosures to obtain such an opinion for their guidance.

Mr. Watson. Q. 21. 264.

" 49. On the other hand, it was stated to the Committee that Mr. Kingdon, Q.C., had given his opinion that the power of inclosure given by these Acts extended to two plantings in the whole only, and the case and opinion referred to have been laid before the Committee.

Mr. Esdaile.
Q. 1849-50.

" 50. The effect of an unlimited rolling power of planting would be to cover the Forest with wood, and to deprive the commoners of all pasturage; but it has been stated on behalf of the commoners that even the exercise of the power twice only would be fatal to their interest, since there is so large a quantity of land in the Forest of little or no value for pasturage.

1b. Q. 1852-3.

See ante, p. ix.

" 51. A power has been claimed on behalf of the Crown before your Committee to sell, under the provisions of the Act 10 Geo. 4, c. 50, small parcels of land in the Forest not exceeding in value 1,000 £, in each instance freed from rights of common. It has been pointed out that this power, if really possessed by the Crown, might lead to the total, though gradual, absorption of the whole Forest. But the opinions of Mr. Cotton, Q.C., and of Mr. Dart, the eminent conveyancer, have been quoted, to the effect that the Crown possesses no such power, but can only sell under the section of the Act in question such interest in the Forest land as belongs to them. Land, however, has been sold by the Crown as free from common rights under this assumed power, and has been subsequently inclosed by the purchasers, to the extent in value of about 12,000 £, and the money produced has been applied to the sole benefit of the Crown.

Mr. Howard. Q. 425.

Mr. Esdaile. Q. 1855.
Mr. Howard. Q. 431.

" 52. No opinion or evidence of the legality of these sales has been produced on behalf of the Crown. Apart from the question of legality, a predecessor of the present Commissioner in charge of the Forest gave as his opinion, in 1849, that the commoners should in equity share in the proceeds of such sales, and your Committee have not lost sight of this in making their recommendations.

Mr. Milne. Rep. 1849.

" 53. It has been stated to your Committee that there is a balance of certain money paid by the Weymouth and Dorchester Railway for Forest lands taken by them, amounting to 5,600 £. Reduced 3 £. per Cent. Annuities and 401 £. 6 s. 9 d. cash. This money, under the provisions of the Railway Act, is to be expended in draining or otherwise improving the Forest for the mutual benefit of the Crown and of the commoners, but the Commissioners of Woods refuse so to expend the balance, on the ground that it would be for the benefit of the commoners alone now that the deer are removed.

Mr. Howard. Q. 433.

8 & 9 Vict. c. 93.
Mr. Howard. Q. 434.

" 54. Although the rights of fence month and winter-heyning are still vested in the Crown, it is in evidence that the former right has never been enforced in New Forest, and the latter, for many years past, only with a view to the preservation of the right, and not with any practical object.

Mr. Watson. Q. 197.
Mr. Cumberbatch.
Q. 903-12.

" 55. While

"55. While your Committee do not recommend that any change should be made in the position of the Crown with regard to these rights, they are of opinion that no attempt should be made to enforce them in future, the reason for their existence having ceased with the deer.

"56. The object of your Committee being rather to deal satisfactorily with the future of the Forest than to express an opinion upon matters of controversy in the past, they have come to the following conclusion :—

"57. That the continued operation of the Deer Removal Act, 1851, on the principles hitherto observed, (1) will render the rights of common existing over the New Forest worthless, and by so doing will extinguish a large class of small freeholders and tenants of whom the highest character has been given to your Committee; and (2) will destroy almost the only specimen left in England of a primeval forest, a priceless source of enjoyment to all classes of the nation.

"58. Your Committee believe that such results will be contrary to the wishes of Parliament and the country.

"59. It has been suggested to your Committee that the only remedy for the conflict of interests which has existed in the Forest since 1851 is a severance of the Forest between the Crown and the commoners. Your Committee, however, do not approve of the suggestion. Mr. Howard. Q. 275.
Mr. Clutton.
Q. 1190-I, 1214-15.

"60. Your Committee are of opinion that while the portion of the Forest at present planted under the Acts may properly be managed with a view to producing the most profitable crop of trees, the remainder of the Forest should henceforth, in the interest of the nation at large, be managed with a view to the preservation of its natural aspect and condition as a Forest of surpassing beauty and unique character.

"61. Such a definite classification of the lands of the Forest would, by putting an end to any conflict of interest between the Crown and the commoners, lead to all the beneficial results that could be attained by a severance of interests, and would at the same time secure the public in their enjoyment of the Forest.

"62. The Committee therefore recommend—

	A.	R.	P.
"(1.) That the Crown right to plant under the Acts 9 & 10 Will. 3, c. 36, 48 Geo. 3, c. 72, and the Deer Removal Act, 1851, be henceforth exercised over a defined area of the Forest only, namely, the land already occupied by plantations thrown open made under the Act of Will. 3	8,552	3	17
The land now inclosed within fences in plantation	11,036	1	16
To which shall be added	410	3	7
Making in all	20,000	0	0

The present right of the Crown to keep 16,000 acres within fences at any one time to be maintained, with power to throw out any portions of such area any number of times at will, and to take in a corresponding portion of the remaining 4,000 acres. This area to be called the "Planted Forest," and to be managed entirely by the Commissioners of Woods and Forests on the above conditions :

"(2.) That right of passage be preserved to the public through the 16,000 acres of inclosure, and lines of direct communication be set out and left open :

"(3.) That the rest of the Forest, including the ancient woods to be called the 'Open Forest', be placed under a Commission or Board of Management :

"(4.) That such Commission do consist of (a) two verderers, to be nominated by their own body; (b) two Commissioners appointed by the Treasury; and (c) three to be elected by the freeholders and others entitled to rights of common. Three to be a quorum. Power to appoint sub-committees to manage and maintain the ancient woods, and for any other purposes. The verderers in future to be elected by the Parliamentary registered electors of the county, and to hold office for term of seven years, saving the interest of the present verderers. Other members of the Commission to hold office for seven years :

"(5.) That the Commission have the following duties, viz. :—

"a. To appoint officers to protect the open Forest and enforce bye-laws ;

"b. To

- "b. To make bye-laws for the better regulating of common rights, payment of fees for marking cattle, and generally for the preservation and better management of the open Forest; to be enforced by penalties recovered summarily before justices;
 - "c. To prevent encroachments and inclosures;
 - "d. To maintain the ancient and ornamental woods in their present condition, and prevent any destruction thereof or injury thereto, direct the thinning of the ornamental woods, plant trees singly or in groups, and rail in for this purpose any area not more than three acres, with a view to preserve the natural aspect and picturesque beauty of the open Forest, not encroaching on glades and lawns:
- "(6.) That the following funds be placed at the disposal of the Commission:—
- "a. The balance of the Southampton and Dorchester Railway purchase-money;
 - "b. An allowance from the Treasury for the purpose of maintaining and renewing the ornamental woods in the open Forest;
 - "c. All payments by commoners for the better regulation of their rights;
 - "d. All fines and penalties recovered for offences in the Forest;
- "The above funds to be applied by the Commissioners in managing the Forest:
- "(7.) That all profits derived in the course of management from the legal interest of the Crown in the open Forest be paid to the Treasury:
- "(8.) That Her Majesty's Government bring in a Bill in the next Session of Parliament to give effect to the foregoing recommendations:
- "(9.) That such Bill contain a provision quieting the purchasers of Forest land from the Commissioners of Woods and Forests under the 98th section of the Statute 10 Geo. 4, c. 50, in the possession of such land."

RESOLUTIONS to be proposed by Mr. *Cowper-Temple*, read as follows:—

"1. That the New Forest shall be preserved in its present open and uninclosed condition, and that the powers of inclosure conferred by Statute shall be exercised only on that area which has hitherto been taken in at various times, and been either kept or thrown out under the Acts 9 & 10 Will. 3, c. 36, 48 Geo. 3, c. 72, and the Deer Removal Act, 1851.

"2. That whilst the management of the planted portion of the Forest remains as it is, the management of the open waste shall be entrusted to a Commission, partly nominated by the Crown, and partly by the freeholders and commoners.

"3. This Commission shall have such powers of management as are required for the protection of the ancient trees and ornamental woods, and for the preservation of the wild natural beauty of the Forest, and for the regulation of the exercise of the rights of the commoners, but shall not interfere with the sale of the timber grown on the waste, nor with any of the receipts of the Crown."

MOTION MADE, and Question, "That the Resolutions to be proposed by the Chairman be now considered"—(*The Chairman*),—put, and *agreed to*.

Motion made, and Question, "1. That the New Forest shall remain open and uninclosed except to the extent to which it is expedient to maintain the existing right of the Crown to plant trees,"—put, and *agreed to*.

Motion made, and Question, "2. That the ancient ornamental woods and trees shall be carefully preserved, and the character of the scenery shall be maintained,"—put, and *agreed to*.

Motion made, and Question proposed, "3. That the balance of land liable to inclosure for planting under the Acts of William III. and 1851 be determined by competent authority; and that when ascertained a small Commission should be directed to set out the inclosures, subject to an instruction that they should hear and determine whether the land to be so set out could be spared from the commons and highways with due regard to the

the interests of the commoners as they existed in 1851. The limit of inclosure to not less than 300 acres to be repealed."

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words, "powers of inclosure conferred by Statute shall be exercised only on that area which has hitherto been taken in at various times, and been either kept or thrown out under the Acts 9 & 10 Will. 3, c. 36, 48 Geo. 3, c. 72, and the Deer Removal Act, 1851"—(Mr. Cowper-Temple),—instead thereof.—Question put, That the word "the" stand part of the Question.—The Committee divided:

Ayes, 6.
Earl Percy.
Mr. John Stuart Hardy.
Sir William Harcourt.
Mr. Edward Stanhope.
Colonel Kingscote.
Mr. Rodwell.

Noes, 7.
Mr. Ryder.
Mr. Ernest Noel.
Mr. Cowper-Temple.
Lord Henry Scott.
Lord Eslington.
Sir Charles Dilke.
Mr. Alexander Brown.

Remaining words *negatived*.

Question put, That the proposed words be added instead thereof.—The Committee divided:

Ayes, 7.
Mr. Ryder.
Mr. Ernest Noel.
Mr. Cowper-Temple.
Lord Henry Scott.
Lord Eslington.
Sir Charles Dilke.
Mr. Alexander Brown.

Noes, 6.
Earl Percy.
Mr. John Stuart Hardy.
Sir William Harcourt.
Mr. Edward Stanhope.
Colonel Kingscote.
Mr. Rodwell.

Another Amendment proposed, at the end of the last Amendment, to add the words, "except so much as shall be allotted and set out by a Commission to be appointed by Statute, who shall have a principal regard to the preservation of the picturesque character of the Forest and the protection of the substantial interests of the commoners, not in all to exceed the amounts remaining to be inclosed under the before-mentioned Acts"—(Sir William Harcourt).—Question put, That those words be there added.—The Committee divided:

Ayes, 6.
Earl Percy.
Mr. John Stuart Hardy.
Sir William Harcourt.
Mr. Edward Stanhope.
Colonel Kingscote.
Mr. Rodwell.

Noes, 7.
Mr. Ryder.
Mr. Ernest Noel.
Mr. Cowper-Temple.
Lord Henry Scott.
Lord Eslington.
Sir Charles Dilke.
Mr. Alexander Brown.

Main Question, as amended, put, and *agreed to*.—*Resolved*,—"That the powers of inclosure conferred by Statute shall be exercised only on that area which has hitherto been taken in at various times, and been either kept or thrown out under the Acts 9 & 10 Will. 3, c. 36, 48 Geo. 3, c. 72, and the Deer Removal Act, 1851."

[Adjourned till Friday next, at Twelve o'clock.]

Friday, 16th July 1875.

MEMBERS PRESENT :

Mr. WILLIAM HENRY SMITH in the Chair.

Mr. Cowper-Temple.
Lord Henry Scott.
Lord Eslington.
Sir Charles Dilke.
Mr. Biddulph.
Mr. Rodwell.
Sir William Harcourt.

Mr. John Stuart Hardy.
Mr. Ryder.
Earl Percy.
Mr. Alexander Brown.
Colonel Kingscote.
Mr. Ernest Noel.

Motion made, and Question proposed, "That the Crown should retain 16,000 acres of growing timber and trees planted under the Acts of Will. 3 and 1851, at all times under inclosure; but that the rolling power over the open portion of the forest not now planted or inclosed under the Acts Will. 3 or 1851 should cease"—(The *Chairman*).—An Amendment made.—Another Amendment proposed, after the word "inclosure" to insert the words "and that the Crown be entitled to inclose, and throw out at will, any portion of the area over which the powers of planting are to be exercised, with a view to its unrestricted use in such manner as may be deemed expedient for the most profitable growth of timber and trees"—(Lord *Henry Scott*).—Question, That those words be there added, put, and *agreed to*.

Main Question, as amended, put, and *agreed to*.

Motion made, and Question proposed, "That a nominal quit-rent be charged by the Crown to the commoners for the exercise of the right of common during fence month and winter heyning; such quit-rent to be paid individually, or by some body representative of the commoners"—(The *Chairman*).—Amendment proposed, to leave out from the word "heyning" to the end of the Question, in order to add the words "provision may be made, if possible, for the payment of such quit-rent by some body representative of the commoners"—(Sir *William Harcourt*)—instead thereof.—Question, That the words proposed to be left out stand part of the Question, put, and *negatived*.—Words added.—Main Question, as amended, put, and *agreed to*.

Motion made, and Question, "That the Verderers Court be reconstituted, so as to better represent the commoners, and to have power to regulate the exercise of the commoners' rights over the forest, and to appoint officers to prevent encroachments upon them"—(The *Chairman*).—put, and *agreed to*.

Motion made, and Question, "That all the rights of the Crown reserved under the Acts of William 3 and 1851, except as it is herein suggested that they should be modified, and maintained"—(The *Chairman*).—put, and *agreed to*.

Motion made, and Question, "That provision be made that in the event of any future severance of interests in the forest between the Crown and the commoners, the limitations now proposed to be placed on the exercise of the rights of the Crown should in no way prejudice the claims of the Crown"—(Lord *Henry Scott*).—put, and *agreed to*.

DRAFT REPORT proposed by Mr. *Cowper-Temple*, read the first time, as follows:—

"1. The New Forest consists of about 63,000 acres, and the surveyors who have given evidence, estimated the quality and value as follows:—

	<i>Acres.</i>
(1.) Heath land, worth about 1 <i>s.</i> 6 <i>d.</i> annual value - -	30,000
(2.) Better land, worth about 5 <i>s.</i> - - - { making }	33,000
(3.) Best land, worth about 10 <i>s.</i> - - - { together }	
	63,000

"2. Until 1698 the whole of this acreage appears to have been open and uninclosed, and subject to rights of common.

"3. The trees which were supplied from the Forest to the Royal Dockyards and for other national purposes, grew naturally; but in that year it was thought necessary to take measures for repairing the destruction of trees which had occurred during the confusion and lawlessness consequent on the Civil Wars, and for providing a nursery for the growth and preservation of timber for the Royal Navy.

"4. The

"4. The rights belonging to the Sovereign as lord of the soil and lord of the Forest, were not adequate for this purpose, and the Act 9 & 10 Will. 3, c. 36, was passed to authorise the inclosure of an extent of 6,000 acres out of the waste of the Forest. These inclosures were to be made gradually, and were to be marked out and made by a Commission, and were to be held by the Crown in severalty for ever, free from common rights.

"5. When the trees reached the size at which they would be safe from injury by cattle, the fences might be removed, and the whole or any part of these 6,000 acres might be laid open; and further plantations might be inclosed to the extent of the land thus restored to the use of the commoners and the waste of the Forest.

"6. The Act of 48 Geo. 3, c. 72, legalised certain inclosures which had been made in contravention of the terms of the previous Act. No compensation appears to have been granted to commoners for this curtailment of the area over which they could exercise their rights.

"7. The Deer Removal Act authorised an addition of 10,000 acres to the inclosures under the previous Act.

"8. Under these Acts about 19,589 acres have been inclosed, of which about 8,552 acres have been laid open, and about 11,063 remain within fences.

"9. The Commissioner of Woods and Forests is of opinion that the above-mentioned Acts give authority to the Crown to extend inclosures over the whole forest, without any limit, except that the maximum number of acres within fences at the same time must be 6,000 acres under the Act of 1698, and 10,000 under the Act of 1851.

"10. His construction of the Acts has been disputed by some members of the Commission for Inclosure under the Deer Removal Act, and they requested the Commissioner of Woods and Forests to obtain an opinion on the question from the Law Officers of the Crown, but this has not been done; this construction has been acted upon, and the inclosures under the 9 & 10 Will. 3 have amounted to more than 14,000 acres. The power thus claimed would, if fully exercised, destroy all the wild natural beauty of the Forest, and convert all but the most barren parts into formal plantations.

"11. Thus the most important of the questions placed before your Committee is, 'whether it is expedient that, in pursuance of existing Acts of Parliament, the New Forest should be used for growing trees in formal plantations to such extent as to supersede the other uses to which the Forest has or might be put.'

"12. The following considerations have engaged our attention.

"13. The demands of the Royal Dockyards for timber have diminished since the substitution of iron for wood in shipbuilding, and the urgent need which originally led to the plantations in this Forest has ceased.

"14. The bulk of the land of the best quality fitted to grow oak has already been included in the 19,589 acres which have been inclosed, and the extension of plantations over the inferior lands must be expected to return a smaller remuneration for the outlay of draining, fencing, and other preparation of the ground.

"15. Nature spontaneously replenished the woods of the Forest before the system of artificial planting was introduced; and the evidence given to your Committee shows that if the natural growth of saplings were protected by a cessation of the cutting of fern, and by other simple precautions, a succession of timber trees, independently of the ornamental woods to be preserved, might again be obtained from the open forest, without the expenditure involved in making planted inclosures. Fir trees are spreading themselves rapidly over the poorer soils without any assistance.

"16. It appears in evidence that a further diminution of the open Forest by such an extension of the inclosures as would deprive the cattle of their remaining feeding grounds would seriously injure the commoners. The register shows that a large proportion of the 1,300 commoners are men of small means; 207 of those who are on the register are owners of only one acre; 200 own from one to four acres; 126 from four to 10; 51 from 10 to 20; and 44 from 20 to 30. The loss of the opportunities of exercising their rights of pasture, pannage, and turbary, would reduce them from their present easy and independent position, to the ordinary condition of dependance on the weekly wages of labour. Testimony has been borne to their worth and good conduct.

"17. The New Forest is a valuable relic of the wild primæval woods which formerly filled England with beautiful picturesque scenery. The Royal Forests of Woolmer, Alice Holt, Bere, Hainault, Delamere, Parkhurst, Whichwood, Whittlebury, have been destroyed, and if the New Forest should be disafforested, or lose its especial character of wildness by being transformed into a mass of regular formal plantations, the loss to the nation would be irreparable.

"18. The petitions which have been brought under our notice in evidence show that the value of the Forest is appreciated by artists, poets, and men of letters, and men of science, as well as by the multitudes who frequent it for ordinary recreation.

"19. It is a popular resort for the inhabitants of Southampton and other neighbouring towns, as well as for those who come from more distant places by railway.

" 20. It does not appear that any gain that could be secured to the public exchequer from an extension of the plantations over the land of very inferior quality which is available, would be commensurate with the injury that would thereby be inflicted on the open Forest.

" 21. Your Committee are of opinion that it is expedient that the powers of inclosure, given by the 9 & 10 Will. 3, c. 36, and the Deer Removal Act, should be so defined as to be exercised only over those portions of the Forest amounting to nearly 20,000 acres, which have at any time been inclosed and planted.

" 22. Thus the power of holding 16,000 acres in severalty for ever would be maintained in the open Forest and would not be diminished or injured."

Question, That this Report be now read the second time,—put, and *negatived*.

Motion made, and Question proposed, " That provision be made for the more convenient passage of the public through the inclosures and main lines of communication between different parts of the Forest set out, and access provided, and such arrangements made, as may be necessary to prevent the intrusion of cattle "—(Lord *Henry Scott*).—Motion, by leave, *withdrawn*.

Motion made, and Question proposed, " That while the management of the ancient and ornamental woods should continue to be entrusted to the Commissioners of Woods and Forests, yet it is of the utmost importance that they should be directed to confine their efforts to the preservation of the natural beauty of the forest and the peculiar character of the scenery "—(Earl *Percy*).—Motion, by leave, *withdrawn*.

Question, That the foregoing Resolutions be reported to The House, put, and *agreed to*.

Ordered, To Report, together with the Minutes of Evidence, and an Appendix.

EXPENSES OF WITNESSES.

N A M E. OF W I T N E S S.	Profession or Condition.	From whence Summoned.	Number of Days absent from Home under Orders of Committee.	Expenses of Journey to London and Back.	Allowances during Absence from Home.	TOTAL Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Phik, Charles - -	Surveyor - -	Winchester	2	1 8 -	4 4 -	5 12 -
Woolley, T. S. - -	Surveyor - -	Newark -	4	3 15 -	8 8 -	12 3 -
Squarey, E. P. - -	Surveyor - -	Downton -	2	1 16 -	4 4 -	6 - -
Byre, G. R. Briscoe -	Gentleman - -	Aldersholt -	1	- 18 -	1 1 -	1 14 -
Thomas, Charles -	Farmer - -	Ringwood -	2	1 8 -	1 1 -	2 9 -
Kitcher, David - -	Farmer - -	Brookhurst	2	1 2 -	1 1 -	2 3 -
Chester, Thomas -	Farmer - -	Lyndhurst -	2	1 2 -	1 1 -	2 3 -
Esdaille, W. C. D. -	Gentleman - -	Holmsley -	4	2 - -	4 4 -	6 4 -
Stead, W. - -	Solicitor - -	Romsey -	2	1 7 6	4 4 -	5 11 6
Dunning, Mark -	Farmer - -	Lyndhurst -	2	1 2 -	1 1 -	2 3 -
Egerton, W. - -	Farmer - -	Lyndhurst -	2	1 2 -	1 1 -	2 3 -
Parnell, W. - -	Farmer - -	New Forest	2	1 2 -	1 1 -	2 3 -
				TOTAL - - - £.		50 8 6

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MINUTES OF EVIDENCE.

Friday, 7th May 1875.

MEMBERS PRESENT :

Mr. Biddulph.
Mr. Alexander Brown.
Sir Charles Dilke.
Lord Eslington.
Mr. John Stewart Hardy.
Colonel Kingscote.

Earl Percy.
Mr. Rodwell.
Mr. Ryder.
Lord Henry Scott.
Mr. Edward Stanhope.
Mr. Cowper-Temple.

WILLIAM HENRY SMITH, Esq., IN THE CHAIR.

Mr. HORACE WATSON, called in ; and Examined.

Chairman.

1. YOU are, I believe, the Solicitor to the Commissioners of Woods?—I am.

2. When were you appointed?—I was appointed, as to the land revenue and the woods, in January 1855; as to the forests, I was appointed in November 1868.

3. Who was your predecessor as solicitor to forests?—My predecessor, as to the land revenue, was Mr. Pemberton; as to the forests, it was Mr. Gardiner. Mr. Gardiner is still living; but I regret to say that his state of health is such as to entirely prevent him from giving evidence before the Committee.

4. Since your appointment as solicitor to the forests, have you made yourself acquainted with the Acts of Parliament relating to the New Forest, and reports and official documents necessary to enable you to discharge the duties of your office?—I have endeavoured to do so according to the best of my ability. I have no doubt some things have escaped my attention, and I am afraid in consequence I may have to ask the indulgence of the Committee in those particulars. I may say, that previously to 1868, when I was appointed as solicitor to the forests, the only matter in connection with the New Forest which I had to deal with was the passing of the Crown Lands Act, 1866. In that case, as I shall have to explain more at length when I come to it in my statement hereafter, I had to attend, on behalf of the Office of Woods, to the passing of the Bill, which contained originally two clauses, and ultimately one clause relating to the New Forest. With that exception, I had nothing to do with the New Forest previous to November 1868. Before I trouble the Committee with any statement as to 0.100.

Chairman—continued.

the position of the rights of the Crown and other persons in the New Forest, I think it may be convenient that I should state to them as shortly as possible what the position of the Crown and the public at large respectively is, as to the whole of the Crown estates. The Committee are aware that for many years previously to the reign of Queen Anne great alienations of Crown property had taken place. That was more especially the case during the reign of the Stuarts, and also in the reign of William III., to a considerable extent. Honourable Members will bear in mind that one of the grants made by William III., that to the Bentinck family, was the subject of remonstrances in Parliament, which led to the grant being recalled. In consequences of the alienations which were from time to time so made of the Crown estates, and in order to preserve in their integrity the parts which remained, an Act of Parliament was passed, at the commencement of the reign of Queen Anne, 1 Anne, stat. 1, c. 7, which prohibited the Crown from making any grants of the Crown lands in fee or for longer terms than 31 years or three lives. But during the reign of Queen Anne, and also during the reigns of George I. and George II., the Sovereign for the time being continued to have the rents of the Crown property, in addition to the Civil List which he then enjoyed; the first Civil List having been granted previously to the statute which prohibited the Crown from alienating this property. On the accession of George III., the Sovereign for the first time surrendered the rents of the Crown Lands in consideration of an increase made to the Civil List. That arrangement was effected by the Act which

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was passed on the accession of George III., and the net rents from the Crown lands at this time were about 10,000 *l.* a year. The net rents produced at the present time are about 385,000 *l.* a year. The amount of the Civil List granted to Her Majesty on Her accession is exactly equal to that sum. But although the net amount paid into the Exchequer by the Commissioners of Woods was last year 385,000 *l.*, there must, in justice, be deducted from that sum the amount of the expenses of the establishment of the Office of Woods, which amount to between 24,000 *l.* and 25,000 *l.*; leaving the net income derived by the public from the Crown estates, at the present time, about 360,000 *l.*; that is about 25,000 *l.* only less than the actual amount paid to Her Majesty under the head of the Civil List. That arrangement was effected on the accession of King George III., as one which was to last only during his life. On the accession of George IV., the King had again the right to the rents of the Crown lands, if he pleased to take them, either in addition to, or in substitution for, such a Civil List as might be granted by Parliament. A similar arrangement was made on the accession of William IV., and again on the accession of Her present Majesty. In the meantime, by an Act of 10 Geo. 4, c. 50, the whole of the Crown lands, including the New Forest, were placed under the management of the Commissioners of Woods, Forests, and Land Revenues; that was effected by the 8th section of that Act of Parliament. By that section all the Royal forests and the Crown lands of England are placed under the management of the Commissioners of Woods; and by the 113th section (which is the only one that at present, I think, it necessary to refer to), the income of the land revenues, after paying expenses of management and certain other charges, was directed to be paid to the Consolidated Fund during the life of his then Majesty, and afterwards was to be payable "to the King's Majesty, his heirs, and successors;" the "King," of course, being the legal expression for the Sovereign for the time being. The appointment of the Commissioners of Woods under that Act of Parliament, and the appointment since made under the same Act, are not dependent upon the continuance of the arrangement between the Crown and the public, as to the Civil List, but are permanent appointments. If on the accession of Her Majesty's successor the not very probable result were to happen of the land revenues being paid to the Sovereign instead of a Civil List, the Sovereign would have no more to do with the management of the Crown property than Her Majesty has now. The Commissioners of Woods are permanently appointed, and would then have the duty of paying to the Queen's successors the same amount of rents which they have now the duty of paying to the Consolidated Fund. The Commissioners of Woods, therefore, are really, in regard to the Crown property, very much in the same position as the trustees of any settled estate which may be the property of any nobleman or gentleman in this country, who have not only the power of leasing and selling, as is frequently the case, but also the duty of actually receiving the rents and paying them to a tenant for life, and afterwards to a reversioner; and they have very similar power of leasing and sale to those ordinarily exercised by trustees under settlement. Under an Act of 2 Will. 4, c. 1, duties

Chairman—continued.

which were previously discharged by an officer, called the Surveyor General of Works and Buildings, were added to the duties of Commissioners of Woods, Forests, and Land Revenues, and the joint Board had for about 20 years the somewhat long title of The Commissioners of His (afterwards Her) Majesty's Woods, Forests, Land Revenues, Works, and Buildings. That was not found a desirable arrangement, because in 1851 the union theretofore subsisting was dissolved, and two separate Boards were established, one of Woods, Forests, and Land Revenues, and the other of Works and Buildings, the office of Woods retaining possession of all the Crown property which was productive of revenue, except as regards certain herbage rents, and so on, which are received by the Commissioners of Works. The intention of the arrangement was clearly stated by Lord John Russell, who introduced a Bill in 1850 for the purpose of dividing the office of Woods and Forests from that of Works and Public Buildings, but which was passed in 1851; and that was that the Office of Woods was to be a department of the revenue, and the Office of Works was to be an office having the management of the palaces, public parks, and other matters not ordinarily the subject of revenue. That arrangement was carried out by the Act 14 & 15 Vict. c. 42. Under that Act, by Section 5, the Treasury have power to assign to either of the two Commissioners of Woods the whole duties and powers which under the Act were vested in the two Commissioners. They have exercised that power by assigning to Mr. Howard the management and all the duties and powers relating to the management of the New Forest among other properties. The general division of duties between the two Commissioners is this, that Mr. Howard has the management of the forests and also the land revenues of the Crown in Scotland, in Ireland, in Wales, in the Isle of Man, and in Alderney; and that Mr. Gore has the management of the land revenues of the Crown in England, except the forests. Perhaps, as I am now going to leave that part of the subject, I may say that if any honourable Member would like to ask any question as to the general nature of the arrangement between the Crown and the public, this would be a convenient time for any Member to put a question on that subject.

5. I should like to ask you, at the request of the noble Lord the Member for South Northumberland, whether the exercise of the powers by the Commissioners is joint or separate?—The exercise of the powers is separate. Each has the exclusive power as regards the Crown property which is within his management.

6. The honourable Baronet, the Member for Chelsea, wishes me to put the question to you; is not the view which you have expressed as to the relations of the Commissioners of Woods to the property under their charge, and to Parliament, one which has been contested in Parliament, and is far from being universally accepted?—I have heard objections similar to the remark made by the honourable Baronet, the Member for Chelsea; for honourable Members have done me the honour to make such remarks to me personally. I have in answer to them done what I venture to do now, that is, to refer to the sections of the Acts of Parliament from which my, what are called, "views" are derived, and by which the truth or otherwise

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Chairman—continued.

of my statement can be tested. I will refer the honourable Baronet, if he wishes, to every section of each Act of Parliament, bearing out, as I venture to think, the statement that I have made, and I only hope that he will not make the remark which was made after one of the conversations to which I refer, by an honourable Member, and that was this, "Do not throw your confounded Acts of Parliament at our heads, because we shall not stand it."

Lord Henry Scott.

7. You stated, did you not, that the Commissioners were practically irremovable?—What I said was that the arrangement for the appointment of the Commissioners of Woods would continue to subsist, although the civil list arrangement came to an end.

Chairman.

8. In other words, are their appointments revocable?—They hold their appointments under the 10th of Geo. 4, which says that the Woods, Forests, and Land Revenues of the Crown "shall be under the management of the present Commissioners of His Majesty's Woods, Forest, and Land Revenues, and of their successors, to be from time to time appointed by His Majesty, his heirs and successors, by his or their letters patent."

Lord Eslington.

9. Do the ordinary words *dum se bene gesserint* occur or not?—There are no such words. The answer which I have given would be incomplete without pointing out to the Committee that previously to the Act of Parliament, 14th and 15th Vict., c. 42, the salaries of the Commissioners of Woods were payable out of the Land Revenues of the Crown before the balance was paid into the Exchequer, and that previously to 1851 they were to a very considerable extent, therefore, at all events, free from such a control by Parliament as many other bodies are subject to; but the Act of the 14th and 15th Vict., c. 42, provides that the salaries of the Commissioners of Woods shall thenceforth be provided out of such monies as may be voted by Parliament. It rests, therefore, with the House of Commons every year to determine whether or not the salaries of the Commissioners of Woods, and I may add the salary of the solicitor to the Commissioners of Woods, shall be voted or whether they shall not; my official existence at the present moment depends entirely upon the pleasure of the House of Commons; if the House of Commons, when the estimate comes on, which probably will be moved by the honourable Member for Westminster, as regards the Civil Service, were to choose to negative so much of the vote for the Office of Woods as relates to the salary of the solicitor, I presume the House of Commons would not expect that the solicitor to the Office of Woods should continue to discharge the duties which he has previously discharged, and my functions would be at an end; and therefore the existence of the whole establishment virtually entirely depends upon the House of Commons at the present moment.

Chairman.

10. I will ask you now to enter upon the question more immediately before the Committee, that of the New Forest?—This Committee is

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Chairman—continued.

appointed by the House of Commons "to inquire into and report upon the present condition of affairs in the New Forest, into the operation of the Deer Removal Act, 1851, and particularly into the exercise and effect of the powers of inclosure given by that Act." A petition has been referred to the Committee presented on behalf of several commoners in the Forest, which raises points which I think may be properly divided into two classes; first, points or questions which relate to what the petitioners call the interest and privileges of the public, and secondly, the complaints of commoners as to the provisions of an Act of Parliament passed in 1851, by which the deer in the New Forest were directed to be removed. One word as to the first class of complaints, the interests and privileges of the public. Now, I presume that the word "privileges" there is meant to be employed in the popular sense, that is, that a privilege is something which the public enjoy as a matter of favour, and not as a matter of right. One can very well understand that, applied to a particular class of persons, the word "privilege" has now the same meaning that the word *privilegium* used to have many years ago, that is, rights belonging to a particular class. We speak of the privileges of Parliament, which are really rights; we speak of the right of sitting in the House of Lords as being one of the privileges of the peerage; that is a right. But when you speak of the privileges of the public, I think that the word "privileges" must be considered to mean matters which are really enjoyed by favour and not as of right. Then what is the true interest of the public in this particular matter? Now, before I submit two remarks for the consideration of the Committee, I would just ask them to consider the word "public" for a moment. I have been solicitor to the Office of Woods and Forests, so far as regards the Land Revenue Department, for upwards of 20 years. I have in many cases found that there is great prejudice arising from the circumstance that the rights which I have had the duty of enforcing have been called rights of the Crown, although really rights which were for the most part to be exercised for the benefit of the nation at large. I think that in this country, if I may be allowed to say so, we sometimes forget that it is nearly 200 years since the last Stuart King sat on the throne of England, and we conjure up to ourselves a sort of bugbear in the name of the Crown; and every single local interest which may be brought into antagonism with what are really the rights and interests of the nation, arrogates to itself the title of the interest of the public. I have found that more than once; and I think it would be very advantageous, in many cases, if one could say that the proceedings are taken, not on behalf of the Crown, but on behalf of what in the time of Queen Elizabeth was called the Commonwealth. In Rome, unless I have forgotten what I used to learn at school, even in the time of the Empire, the State was called *res publica*; and I know no reason why, the Queen being the head of the State, we should not now speak of the proceedings taken on behalf of the Crown, which inure to the benefit of the public at large, as proceedings taken on behalf of the State. And now, for one moment, let me ask the Committee to consider what is the interest of the State in this matter. I unhesitatingly say, that at the present moment the interest which

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should weigh, as I think, with the minds of the Committee most is, that the property and the rights of the State should be preserved intact from claims by private landowners. So much by way of general observation on the allegations of the petition, as to the interest and privileges of the public. Now I come to the second part of the petition, which relates to the alleged injury done to the rights of commoners by the passing of the Act of 1851, which is the subject of the inquiry before the Committee.

Mr. Brown.

11. I presume you mean by "the rights of the State," the rights of the Crown?—The rights of the Crown exercised for the benefit of the public at large, including in the public at large the rights of the Queen and her successors, as the heads of the State.

Lord Eslington.

12. You have spoken of the privileges of the public as acquired, as I understand you, by favour, and not of right. I should like to ask you whether you apply that observation to rights of way, which I believe are very extensive in the forest?—I should say that the use of the word "privilege," as applied to a right of way in connection with a public right of way, is a mis-user of the term "privilege" altogether. Then, with respect to the complaints of the commoners as to the provisions of the Act of 1851, those complaints, as stated in the petition, appear to me to be four.

Chairman.

13. Are these complaints arising out of that Act?—As to the passing and operation of that Act.

14. That is the Deer Removal Act?—That is the Deer Removal Act. I understand that the commoners allege that the circumstances at the time of the passing of the Act, and previously to the time of the passing of the Act of 1851, were such that, in justice to them, its provisions should be revised; secondly, that they had reasonable expectation that when the deer were removed from the New Forest, all the forest laws would be put an end to; thirdly, that they have also a ground of complaint in consequence of the probable results of the exercise, and the mode of exercise, of the powers of inclosure which were given by that Act of Parliament; and fourth, that certain monies for sale of land in the New Forest have been received by the Crown and applied as part of the Crown property, when, as to a portion of them, the commoners have not derived any benefit or participated in those monies as they ought (as the commoners allege) in equity to have done. Now, I think it would be extremely convenient, and I beg respectfully to submit to the Committee, absolutely essential that these two classes of questions should be kept entirely distinct, that is, questions affecting the rights and interests of the public, as I understand the word "public," that is the whole nation of Great Britain, and questions affecting the rights and interests of commoners in the New Forest. Upon the first question, I would observe that the position of the Queen, and her successors, and of the public, in regard to the Crown property generally, having been stated in the clearest possible terms by the Commissioners of Woods in a report which was laid before the House of Commons in 1871, and

Chairman—continued.

the Acts of Parliament upon which that statement was made having been referred to, I shall not think it necessary on the present occasion to go further into that matter. I shall only say that I have no doubt whatever that Parliament will always do that which it believes to be just and right, not only as regards individuals, but also as regards larger interests; but I do not for a moment contend, nor have I ever thought of contending, that the appropriation of the Crown lands in the New Forest, whether what belongs to the Crown should be always dedicated to the growth of timber, to what purposes every acre of land should be applied, is not a perfectly legitimate subject for inquiry by a Committee of the House of Commons. I can only say that several honourable Members on this Committee are aware that few Sessions have lately passed, scarcely one, in which it has not been my duty to appear, as solicitor to the Office of Woods, before Select Committees of the House of Commons, in reference to the appropriation or management of some particular part of the Crown property. The New Forest is no exception to that rule; and, therefore, I admit in the fullest and most unreserved way, that the mode in which the rights of the State in the New Forest should be henceforth exercised, is one not only proper to be inquired into, but one which it is desirable should be inquired into by a Committee of the House of Commons. But I think that inquiry, if I may be allowed respectfully to say so, should be an inquiry directed specifically and exclusively to the appropriation of the Crown property. When we once get into questions of whether persons having local interests and private interests, have or have not been fairly dealt with by an Act of Parliament, passed nearly a quarter of a century ago, we get into a discussion which, as I venture respectfully to submit to the Committee, it is not desirable to mix up with an inquiry as to the best mode of appropriating the property of the Crown and of the State in the New Forest for the benefit of the nation at large. Whether it is desirable, or whether it is not desirable, that the system of planting, which has of late years been sanctioned and directed by the Legislature for supplying the navy with timber and growing trees in the New Forest, should continue or not; whether hereafter it may be desirable to revert to a system of planting that is now suspended; and, generally, as to mode of appropriation of the Crown property, I think all those matters are perfectly proper to be inquired into by a Committee, but I think that inquiry had better be one which should be freed from any questions as to the rights and interests, or alleged wrongs, of the commoners within the forest. I think it may be desirable to submit to the Committee one or two remarks showing what seems to me to be the distinction between the case which the Committee is now considering, and the case which has lately occupied a good deal of the public attention, namely, Epping Forest. We have seen a great deal about that in the newspapers, and I think it may be desirable to point out as shortly and as clearly as I can what differences there are between that case and the present. Now, in the case of Epping Forest, the freehold of the land, which was the subject of the suit, was not the property of the Crown; it was the property of various lords of the manor and private individuals. Over that land, or parts of it, there are

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at least two distinct descriptions of right; rights of forest vested in the Crown, and rights of common vested in private persons. The rights of forest had to a great extent fallen into desuetude; even if exercised, it was doubtful at the time the proceedings were taken, to which I shall presently advert, whether those rights could have been enforced to prevent inclosures in the forest of a character which would have admitted of the deer passing over the fences round the inclosure. That, as I say, was doubtful; and when proceedings were taken for the purpose of preventing inclosures, the legal advisers of those proceedings, very soundly and sensibly, as it seemed to me, instead of asking that the Crown should attempt to enforce its rights, took proceedings in the name of persons having rights of common. Now, the rights of common were successfully asserted and declared under a decree of the Master of the Rolls. In the present case the Crown is the owner of the soil, and can itself prevent any inclosure at all. In Epping Forest the Crown was not the owner of the soil: here the Crown has perfect power to prevent any inclosure whatever, and in Epping Forest it had, if any power, a power of a very doubtful character. I shall come back to Epping Forest; but if any honourable Member wishes to ask any question about Epping, I think this would be a convenient time.

15. Will you pass on to the next point?—The Act under which these rights of common have been defined is an Act of 1851, and that Act, 14 & 15 Vict. c. 76, directed the deer to be removed from the New Forest (I shall come back to it afterwards; I am only now referring to it for the purpose of informing the Committee how the case stands as regards right of common), and the Commissioners of Woods to give notice in the "London Gazette" to persons claiming rights of common to deliver in their claims to the verderers; those claims were to be inquired into and adjudicated upon by the county court judge for Hampshire. By a subsequent Act, 17 & 18 Vict. c. 49, in lieu of the county court judge, three Commissioners were appointed to make inquiry as to rights of common; and that Act of 1854 contained a clause, which the Committee will find afterwards is one of some importance, which was the subject of an understanding when the Act of 1851 passed, but which, for some reason or other which I am not able to explain, was not introduced into that Act, but was introduced into the Act of 1854. It is the 28th section of the Act of 1854. By Section 28 it was provided that all rights of common of pasture, pannage, or turbary, that should be proved to the satisfaction of the Commissioners to have been enjoyed since 1800, were to be allowed by the Commissioners; that is to say, that rights were to be allowed on 54 years' use, irrespective of the question whether those rights could have been substantiated at law or not. That was inserted in consequence of an understanding come to, I believe, in 1851, when the original Act was passed. Under this Act of Parliament of 1854, the Commissioners, in the month of November 1857, made their award and gave their decision. The material part of the decision I will state. The Commissioners were Mr. Gale, the judge of the county court at Southampton, Mr. Barstow, and Mr. Coleridge, now Lord Coleridge, the Chief Justice of the Common Pleas. The Commissioners declared "that each allowance of any right is made sub-

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ject to, and that the same is to be exercised and enjoyed according to, the laws and assize of the said forest, and that in all cases wherein a right is allowed subject to a payment, such payment is to be made to our Lady the Queen, and that every right of common of pasture may be exercised and enjoyed at all times of the year, except during the fence month, that is to say the 20th day of June to the 20th day of July yearly, and the time of the winter heyning, that is to say, the 22nd day of November to the 4th day of May yearly, during which times we declare there is no right in all the uninclosed waste lands of our Lady the Queen within the said forest for all their commonable cattle levant and couchant, in and upon the lands in respect of which the allowance is made. And we do hereby declare that common of pasture for sheep is allowed only in cases where it is expressly mentioned. And we do hereby also declare that every right of common of mast is to be exercised only in time of pannage, that is to say, on and from the 25th day of September, up to and on the 22nd day of November yearly, in all the open and uninclosed woods and woody lands of our Lady the Queen in the said forest, for all their hogs and pigs ringed levant and couchant in and upon the lands in respect of which the allowance is made upon payment, unless otherwise expressed yearly to or for the use of our Lady the Queen, for every hog or pig exceeding the age of one year, 4 *d.*, and for every hog or pig under that age 2 *d.* And we do hereby also declare that every allowance of turbary is of the liberty of having, digging, cutting, and taking turf in and upon the open wastes of our Lady the Queen, within the said forest, by the view and allowance of the foresters of the said forest, and of carrying away the same turf from the said places to and into the messuages mentioned and described in this our register for the necessary fuel of the said messuages to be therein burnt and expended. And that every allowance of fuel and fuel wood is an allowance of the quantity described of good fuel wood yearly, from the open and uninclosed parts of the said forest, by the view and allowance of the foresters of the said forest, as reasonable and necessary estovers for the necessary firewood of the messuages mentioned and described in this our register, to be burnt and expended therein. And we do hereby also declare that every allowance of a claim of marl is of a right to have, dig, take, and carry away from the opened and accustomed marl pits in the said forest, a schedule whereof is set forth at the end of this register, by the view and allowance of the foresters of the said forest sufficient marl for the necessary marling of the lands in respect whereof the said marl is allotted and adjudged to be exclusively used thereon. And we do hereby also declare that, save as aforesaid, no payment or render is to be made to Her Majesty or Her successors in respect of any of the said rights, or in respect of the allowance thereof, except such as is herein mentioned." Now, if the honourable Members will add up these two periods during which the rights of common are not exercisable, they will find that they amount to a little less than six months. Therefore by the decision of the Commissioners under that Act, rights of common of pasture in the New Forests are exercisable during about six months in each year, and are not exercisable during about

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about six months in each year. That is a decision by Commissioners authorised and directed to inquire by an Act of Parliament, and that decision having been given, it must be taken to be that those rights were at the time of their creation in their present shape, of the nature mentioned in that decision: that is to say, rights of common exercisable during about six months in each year.

16. Are sheep commonable?—Sheep as a rule are not commonable in the Royal forests, and therefore by the Commissioners' decision, sheep are only allowed as commonable in cases where it is expressly mentioned. I do not propose, and I think it will be objectionable if any attempt is made, to go behind this decision as to what the nature of the rights of common in the New Forest is. That is clearly a declaration by the Commissioners appointed under an Act of Parliament as to what the rights are. We may, if we please, enter upon all sorts of useless and unprofitable inquiries, as to what the origin of each right was; I am quite sure that in many cases we shall arrive at no certain result if we do. In a case as to Epping Forest, which I referred to, when it originally came before the Court of Chancery, it was in the form of a demurrer to a Bill filed by the Commissioners of Sewers of the City of London against a Mr. Glasse, who, I believe, was a lord of the manor; and the right of common alleged was a right of common of a forestal character, distinctly alleged to be a forestal right of common; and the 7th paragraph of the Bill alleged that, "the owners of lands, lying within the bounds of the said forest, always were and still are restricted by the forest laws from the full use and enjoyment of their said lands, and, amongst other things, they were and are prohibited from inclosing their lands with fences above a certain height, or made so to impede the free passage through the forest of the deer and other wild animals. And they were and are prohibited from stubbing up, cutting or selling without license, the woods and underwoods growing upon their said lands, and from hunting and hawking thereon without license, and the crops and produce growing upon their said lands, and the fences standing thereon were and are subject to great destruction and damage from the deer and other wild animals within the said forest, and the said laws were and are in these and other respects, grievous and burthensome to the owners of lands and tenements, and the inhabitants within the said forest." Then the 8th paragraph of the Bill refers to the absence of power of owners of lands within the forest as to inclosure; and the 9th paragraph alleges that, "The owners of lands and tenements within the Royal forests, and particularly within the said forest, by virtue of ancient forest laws made by the Crown in exercise and derogation of its said forest rights, and recognised and confirmed by divers statutes of the realm, have from very ancient times enjoyed, and still ought to enjoy, by way of compensation for the burthens and restrictions so imposed upon them by the said forest laws, amongst other rights and privileges, rights of common of pasture, over the waste lands within the said forests, subject to regulations from time to time made and enforced by the said forest courts." Therefore the case put by the Bill in that instance was a forestal right of common, the origin of which was alleged to be a compensation made by the Crown to the

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landowners for the burden of the forest laws, in return for which the Crown granted to them a right over the wastes of the forest. This leads up to the judgment of Lord Justice Mellish on appeal from a judgment of the Master of the Rolls, in which Lord Justice Mellish, in disallowing a demurrer, said, "The question in substance is whether the right alleged in the Bill is one which by law can possibly exist. If the right alleged in the Bill could not have a legal existence, it would be right to stop the suit at the earliest stage. Now the right alleged in the Bill is, in my opinion, a right on the part of all the owners of lands in the forest for themselves and their tenants, occupiers of lands in the forest, to have a right of common over the wastes of the forest. I can see no reason why that right may not have a legal existence. I think it is possible that the King at the time when the forest was originally formed might have created that right. If at the time when the forest was originally formed, the land was the property of the Crown, I cannot see why the King when he formed the manors might not have granted to the lord of each manor for himself and his tenants, a right of common over all the wastes of the forest, or if the lands were not the lands of the Crown at the time when the forest was formed, then the forest might have been formed with the consent of the owners of the land over which the forest was formed; because in point of law the King could not make a man's land into forest without some agreement or consent from him. Then it may have been part of the arrangement by which the forest was formed, that all the owners of lands within the forest were to have rights of common over the wastes of the forest. I am of opinion therefore, that the right is one which legally may exist;" and therefore Lord Justice Mellish, in that case, treated the origin of the right as probably to be referred to either some grant or some compensation or arrangement made by the Crown to the landowners at the time of the afforestation of the Forest of Waltham. Then they afterwards came before the Master of the Rolls on the hearing of the whole suit, and he decided that the right of common established was a forestal right of common, and reference was made to the fact that the right was not exercisable during the fence month. Now it was alleged, among other defences, by Mr. Glasse, that as the Crown had sold its rights of forest, the land was virtually disafforested; and it was alleged that, inasmuch as the right of common was created in consideration of the burden of the forest, therefore, when the forest ceased, the right of common granted as a consideration for the burden of the forest, would cease also. The Master of the Rolls held that, in that case, the sale by the Crown being to the landowner, and the commoner being a third person, no party to the transaction, the sale of the Crown's forestal rights had no effect whatever upon the rights of common; and the decree made by him was that the plaintiffs were entitled to rights of common according to the assize and customs of the forest. It certainly was never contended before him, nor did the Master of the Rolls declare, that in consequence of the disafforestation of that part of Epping Forest the commoners there had acquired a right during the fence month, or at any other time in the year than that during which they had it before; on the contrary,

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trary, it was expressly declared that the rights of common were to be exercised according to the assize and customs of the forest. No such contention was made as that the commoners should become entitled to a new right altogether during fence month, which had never been granted to them: they were to hold their land free from the burden of the forest, but they were not to have new rights over the property of the lord. He held, as against the lord, that the disafforestation did not deprive the commoner of his right of common; but he did not hold, and I do not find that it was contended that the sale of the forest rights to a landowner had the effect of enlarging the rights of common, and, in effect, constituting a new grant to the common right owner during fence month. Of course in that case it could not have had any such effect. Then as to the early history of the New Forest, I may say, what honourable Members probably are all aware of, that doubts have been entertained whether it was first afforested by William the Conqueror, or whether it was not. I believe, as far as I have been able to look into it, the better opinion is, that it was afforested by William the Conqueror, and particulars of most, if not all, of the lands which he threw into the forest, are contained in "Domesday Book." A gentleman, Mr. Esdaile, who gave evidence before a Committee of the House of Lords in 1868, who, I believe, is a gentleman not only of considerable ability, but a barrister, a magistrate, a landowner, and a commoner, and, therefore, well qualified to speak on the subject, says that every detail of the forest is traceable in "Domesday Book," the owner of it, and the quantity of land belonging to the owner at that day. The complaints which from one's childhood one has heard of, as being made against William the Conqueror, for afforesting New Forest are not complaints of his afforesting a quantity of land, over which persons had rights of common, but complaints of his taking cultivated lands, and depopulating villages, and doing other acts which were alleged as wrongs. The "Domesday Book" I have looked through, so far as regards the New Forest, and I have not been able to find in it any express mention of rights of common as exercisable over the lands there mentioned as having been thrown into the New Forest. I do not think that that circumstance, however, is of any moment whatever, because I believe that in a majority of cases, at least in very many cases, rights of common were not mentioned in "Domesday Book." The only right analogous to a right of common which I found mentioned in "Domesday Book" is the feeding of hogs in woods. Whether those hogs are the hogs of lords of the manor, or of tenants, I do not know; but, inasmuch as the term of pannage is from the 25th of September to a day in November, that is not very material with reference to the inquiry before the Committee as to the fence month, or the winter heyning, which did not include that period. Now, the contents of the New Forest, according to a report made by Commissioners, under an Act of 26 Geo. 3, c. 87, which directed the Commissioners to inquire into the woods, forests, and land revenues of the Crown, are thus stated: By their fifth report they say, "According to the last-mentioned perambulation, and the plan, the forest extends from Godshill, on the north-west, to the

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sea on the south-east, above 20 miles, and from Hardley on the east, to Ringwood on the west, about 15 miles; and contains within those limits about 92,365 acres, statute measure. The whole of that quantity, however, is not forest land, or now the property of the Crown. There are several manors and other considerable freehold estates within the perambulation, belonging to individuals, to the amount of about 24,797 acres; about 625 acres are copyhold or customary lands, belonging to His Majesty's manor of Lyndhurst; about 1,000 acres are leasehold under the Crown, granted for certain terms of years and forming part of the demised land revenue, under the management of the Surveyor General of Crown Lands; about 901 acres are purprestures or encroachments on the forest; about 1,193 acres more are inclosed lands held by the master keepers and groom keepers, with their respective lodges; and the remainder, being about 63,845 acres, are the woods and waste land of the forest." Now of the quantity of 92,000 acres and upwards, there mentioned as within the ambit of the New Forest, upwards of 23,000 acres were freehold property either of the Crown or private landowners, so that there were rather more than 63,000 acres of which the freehold was in the Crown, subject to rights of common during about six months in the year, those rights of common being themselves during those six months, as I shall have afterwards to show, subject to the Crown's forestal rights. I should state to the Committee that the boundaries of the New Forest, as defined in this report, are less extensive than the boundaries of the forest as originally afforested by William the Conqueror. The boundaries as defined under the perambulation of 8 Edward 1, which are in substance stated to be the boundaries of the forest at the time it was afforested, extend from Southampton Water on the east, along the sea on the south, up the Avon on the West, to a place called North Chardeford, and from there along a line drawn to the Southampton Water. Those limits comprehend very much land which is not within the boundaries as defined by the Commissioners under the Act of 26 Geo. 3. There was another perambulation in the 29th of Edward the 1st, which, as far as can be now indentified, is very much the boundary adopted subsequently in the reign of Charles the 2nd, the extent included in which is between 92,000 and 93,000 acres. There was a considerable diminution between the afforestation of the forests in the time of William the Conqueror and the 29th of Edward the 1st, which was some 230 years afterwards. How that diminution took place I am not able to state, because the records do not show. I believe there are few records extant of a date prior to the reign of King John, and from that period they are very meagre for some time forward. Subsequent to the date of this report down to 1831 various parcels of land in the New Forest, containing altogether about 270 acres, were sold for about 7,000 £. by the Commissioners of Woods. Between 1831 and 1848 about 187 acres were sold for about 3,700 £., and from the 1st April 1848 to the 31st March 1868, being the period comprised in a return laid before a Committee of the House of Lords in 1868, about 646 acres were sold for about 19,000 £.; the total being about 1,103 acres sold, and the purchase moneys about 29,700 £.; and with regard to that amount of

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29,700 *l.*, I shall show the Committee, I believe, that between 18,000 *l.* and 19,000 *l.* has been applied mainly for the benefit of the commoners over the forest.

17. Much of this sum of money was paid by the Southampton and Dorchester Railway, was it not?—Yes, it was.

18. Are you able to state how much?—I shall come to that in detail later. I am merely giving a general description first, and then I am going to take it chronologically. By those transactions the quantity of land in the New Forest, of which the freehold is in the Crown, and which I apprehend is the subject of the inquiry before the Committee to-day, was reduced to between 62,000 and 63,000 acres; and to that the provisions as to planting in the Act of 1851, which is the subject of the reference to the Committee, apply. Of that quantity, between 24,000 and 25,000 acres are covered with timber or plantations. The plantations now inclosed under the Acts of Parliament, which I shall refer to presently, extend to a little more than 11,000 acres; about 6,000 acres under an Act of 9 & 10 Will. 3, that is, 1698; a little more than 5,000 acres under the Act of 1851. As to the definition of what a Crown forest is, I really do not know whether I shall trespass on the time of the Committee by reading some passage from Manwood, who is the usual authority on the subject. I will do so as shortly as I can; but perhaps it would be convenient that the Committee should have some idea of what the rights of the Crown are over forests generally.

19. Will you read those passages?—I am going to read from Manwood's "Treatise on Forest Laws."

20. What is the date of this?—One thousand five hundred and ninety-eight. At folio 1, under the head of "The Definition of a Forest," there is this passage: "A forest is a certain territorie of wooddy grounds and fruitfull pastures, priviledged for wild beast and foules of forest, chase, and warren to rest and abide in, in the safe protection of the king for his princely delight and pleasure, which territorie of ground, so priviledged, is meered and bounded with unremoveable marks, meeres, and boundaries, either known by matter of record or els by prescription; and also replenished with wilde beasts of venerie or chase, and with great coverts of vert, for the succour of the said wilde beastes to have there abode in. For the preseruacion and continuance of which said place, together with the vert and venison, there are certain particular lawes, privileges, and officers, belonging to the same meete for that purpose, that are only proper unto a forest, and not to any other place." Then at folio 2, "And for better understanding of these words, priviledged for wild beasts and foules: By adding these words, of forest, chase, and warren is declared, what wild beasts and foules those are, that is to say, of forest, chaste, and warren, and for no other. And therefore a forest is not a priviledged place, generally, for all manner of wild beasts, nor for all manner of foules, but only for those that are of forest, chase, and warren. The wild beasts of the forest are five and no more; that is to say, the hart, the hynde, the hare, the boare, and the wolfe. The beasts of the chase are also five, the bucke, the doe, the fox, the martron" (the martron, I believe, is the same as the martin cat), "and roo, and no more,

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are accompted beastes of the chase. The beastes and foules of warren are these; the hare, the connie, the pheasant and the partridge, and none other are accounted beastes or foules or warren. All these have priviledges within the forest, as hereafter, in another place, more at large, shall be shewed and proved. Then, after these wordes of forest, chase, and warren, the wordes are, to rest and abide in; whereby is declared and shewed, for what cause the territorie of the forrest is priviledged, and that is for the wilde beastes to rest and abide in." Then, at folio 5, "The newest forrest that is in England at this day is the New Forest, in Hampshire, for there is no forrest that doth now remaine a forrest, that was made since the making of the New Forrest in Hampshire (the forrest of Hampton Court onely excepted), and therefore the same is called New Forrest; and yet the same was made a forrest in William the Conqueror's time. But there is no forrest in England, whereof the beginning or making can be shewed, neither by the chronicles, histories, nor record, so ancient are all the other forrests of this land; and as annient are the forrest lawes, saving some few of them, that are altered and made more favorable than they were by Charta de Foresta, and other later Statutes that have been made since Charta de Foresta." Folio 7, under the head "That a forrest doth comprehend in it a chase, a parke, and a warren," there is this passage: "As a forrest in its owne proper nature is the most highest fraunchise of noble and princely pleasure that can be incident unto the Crowne and royal dignitie of a prince, so the next in degree unto it is a liberty of a frank chase. A chase in one degree is the selfesame thing that a park is, and there is no diversitie between them, save only that a park is inclosed, and a chase is alwaies open and not inclosed; and therefore the next in degree unto a frank chase is a park. The last and next in degree unto a park is the libertie and fraunchise of a free warren. And therefore because a forrest in dignitie is both the highest and the greatest fraunchise, being also a general and compound word, the same doth comprehend in it a chase, a park, and a free warren. And for that cause the beastes of chase, and the beastes and foules of warren, are priviledged with a forrest, as well as the beasts of the forrests are. For every forrest is a chase, a park, and a warren; for the same doth comprehend every one of them in it, even as every general doth comprehend the special; for every forrest is a chase, but a chase is not a forrest, but a part of it. And in like sort of a park and a warren. And by that reason the killing, hurting, or hunting of any of these beastes or foules of chase, park, or warren, within the territorie of the forrest, is a trespasse of the forrest, and to be punished by the lawes of the forrest only, and not by any other law." Folio 22: "Which are beastes of chase?" "The aforesaid written booke, called 'Antiquitas Britanorice,' saith that there are five wilde beasts that are called beastes of chase, the buck, the doe, the fox, the martron, and the roe. Hollinshed, in his description of England, saith that the bucke, the doo, the foxe, the martron, and the roo are onely the beastes of chase. The booke of S. Albons saith, that there are certain beastes, which are called beastes of chase, which do differ from the beasts of the forrest, which beasts of the chase saith he, are these, the buck,

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buck, the doe, the foxe, the martron and the roo: and withall these, old Sir Tristram, an auncient forester, in his werthie treatise of hunting doth agree; and with this agreeth Budœus in his booke *De Philologai*, and so on; I need not trouble the Committee with the rest. Then at folio 41, "That the lawes of the Forrest do restraine every man from cutting downe of his woods within his owne freehold in the forrest." "And that a man may not fell, nor cut downe, his owne woods being within the forrest, it doth appeare by a case adjudged in the time of King E. 1, that by the lawes of the forrest no man may cut down his woods nor destroy any coverts within the forest without the view of the forrester, and licence of the Lord Chief Justice in Eyre of the Forrest, although that the soil, wherein those woods do grow, be a man's owne freehold." Then at folio 70, "At the time of taking of pawnage in the king's woods," "The time of pawnage in the king's demeasne woods, doth begin upon Holy Rood day, being fifteen daies before the feast of Saint Michaell, and doth end forty daies after the feast of St. Michaell." Then folio 74, "At what time the fence moneth had his first beginning." "The observing and keeping of the fence moneth in forrestes, seemeth to have been in use so long, that there is no certaine beginning to be sheweth of it: and therefore the antiquitie of the same must needs be the greater, for that thing is alwaies verie ancient, whose beginning cannot be showed, and sith that there are now no lawes for forestes to be sheweth, that were before the time of Canutus, and there can be no beginning of the fence moneth shewed since the making of Canutus Lawes: Therefore it is to be thought, that the same was in use" (that is of course as to the forests then in existence which the New Forest was not) "when that Canutus made his canons of the forest lawes." Then he quotes Serjeant Fleetwood to that effect. Then at folio 77, "Of common, and commoners within forrest." "Although that the King, by hys prerogative royall may afforest the demeasne woodes and landes, pastures and mast soyle of every man within this realme, wheresoever he will (as already before hath been declared), yet by such afforestation of such woodes, lands, pastures, and mast soyles, the king doth not at any time thereby restraine, abridge, or prejudice any man of his right or interest of common for such beastes, as are comonabl within a forest: As it doth appeare by Carta de Foreste, where the king doth graunt, that all such forrestes as were afforested by King Henry the Second, should be viewed by good and lawfull men, and if he have afforested the woodes or landes of any other man, more than the king's owne demeasne woodes or landes, to the hurt or prejudice of him whose woodes the same is, that then forthwith the same shall be disafforested againe: and, if he have afforested the king's owne proper woodes or lands, that then the same shall remaine a forrest still. Saving the common of herbage, &c.," I shall have to refer to that Act of Parliament afterwards, and I will not trouble you further with it now. There are further descriptions of the rights of common, and at folio 105 "Of hawking and hunting within the forest." "Hawking and hunting in forrests are pastimes of delights and pleasures, ordained and appointed chiefly for the recreation of kings and princes, and therefore they are not to be

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bled in forrests by every common person, but onely by such as are earles, barons, and noble men of the realme, being thereunto licensed or authorized by the king," &c. Then at folio 109, "And therefore seeing that the law is so, that forresters nor keepers may not hunt nor kil any deere themselves, without good warrant, then by the same reason, they may not give any manner of licence or warrant to any other men, to hunt or kil any deere in their libertie or bayliwike; and in like sort, no forrester, nor keeper, may in any sort hauke to take any fesants or partridges within his walke or bayliwike in the forrest, for he is an officer, that hath authoritie by his office to maintaine and preserve them, but not to kill or destroy them, for they are foules of warren, and are by the lawes to bee preserved for the king's delight and pleasure, and everie forrester hath charge of them, because that everie forest doth contain in it a chase, a parke, and warren. And so a forrest containing in it a warren, he, that hath charge of any part or denison in a forest, as a forrester, hath also charge of those beastes and foules that are beastes and foules of warren. Because that as the same is a forrest so is it a warren, and as he that is the officer for the one is also the officer for the other, and therefore no forrester, nor keeper, may either hauke or otherwise destroy any foules of warren himselfe nor yet give any license or warrant to any other to hawke or take any foules of warren within their waulkes and liberties. And if a forrester or keeper, that hath his office by patent from the king, or from any other, doe misuse his auctoritie, or abuse his auctoritie, that is a cause of forfeiture of his office." Those are the passages which I think it material to read to the Committee; first, in reference to the fence month more particularly; and secondly, as showing that a forest, in its very nature, implies not merely the right of keeping and preserving, and the right of the king of hunting deer, but also the right of preserving other beastes of chase and fowls of warren, which include hares, pheasants, partridges, and foxes. The right of keeping deer is only one of several rights of forest. Whatever the rights of common in the New Forest may have originally been, however much they may have differed in character, the one from the other, during whatever time of the year they may have been originally exercised, for what considerations they were originally granted, we cannot now inquire. It is possible that, as suggested by a witness (referring to Manwood) before the House of Lords' Committee in 1868, in answer to Question 27, some of the rights of common may have been granted to inhabitants of the forest "who seem to have derived their rights of common *quâ* inhabitants, to whom, as soon as a forest was proclaimed, the king, as some recompense for the hardships that accrued to them, gave the right of common over the waste; and, secondly, to those who had rights of common appurtenant to their lands, and which, no doubt, were in existence before the existence of the New Forest." And the witness goes on to say: "Those two descriptions of common are very important to bear in mind, because, when the forest was done away with, the first class would be done away with also." Happily, no such result has followed. By the Act of 1851 the rights of the first class were preserved. If, as this witness says, one

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necessary

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necessary consequence of the disafforestation of the New Forest, which is alleged by the petitioners to have taken place virtually when the deer were removed, was that the rights of common of the first class would have ceased, because they were granted as a return for the burden of the forest, then, I think, to that extent, the landowners and common-right owners in the New Forest have great reason to be thankful for the Act of 1851, because it preserved to them their rights; and moreover, I think, as to all the commoners in the New Forest, they have reason to be very thankful for the Act of 1851, because, in addition to their being two classes of rights, as Mr. Esdaile says, in his evidence before the Committee of 1868, there are two classes of lands, on his own statement, that is, lands which were subject to the rights of common, and lands which were not. As to the lands which were not subject to rights of common at the time the forest was created, it is clear on that evidence that the owners of those rights of common got them for the first time when the forest was created, and they got them for six months in the year, and for six months only. Because the forest is disafforested, are those gentlemen to have rights of common for 12 months? Because the land of the Crown in the New Forest not before commonable, is afforested, rights of common are granted for six months in return for the injury done by the deer. When the forest is disafforested, and they are remitted to their original position, they do not propose to surrender to the Crown the rights of common granted to them as a consideration for the burden of the deer, but they ask that they shall have rights of common for the whole 12 months instead of the six. The commoners will have plenty of time to consider what I am saying now before this inquiry closes, and I do invite their serious attention to this question. Going back to the original equities on their own statement, which, I venture to submit, is a statement wholly irrelevant to the present inquiry, because I take my stand and found on the decision of the Commissioners of 1857 under the Act of 1854, I invite the attention of the commoners to this point. If, as Mr. Esdaile says, part of the rights of common were granted by the Crown as a recompense for the hardship which accrued to them when the forest was created, why, as regards those particular common right owners, should they have the rights for twelve months instead of six, when the forest is done away with? Now, I think that all these inquiries as to the origin and the nature of the rights of common in the New Forest are most irrelevant and most unprofitable; that it is impossible to arrive at any certain result with respect to them; and that, in the end, the Committee must come to the conclusion that the rights, as defined under the Act of 1854, must be taken to be the rights which were, at the time of the creation of those rights as they now exist, the arrangement come to between the Crown and the commoners. You have clearly three classes of common-right owners; you have an additional class to those two mentioned in Mr. Esdaile's evidence. You have the common-right owners, who had their common right in return for the burden of the forest. You have, as he says, which I do not admit, common-right owners who had common rights previously to the creation of the forest; and you have rights of common

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which were, for the first time, legalised under the Act of 1854. The Act of 1854 treated 54 years as sufficient evidence of title. If a man had begun to exercise his right of common in 1799, and had thenceforth continuously exercised it as of right, he would have, under that Act of 1854, a good title; but he would have begun the exercise at a time when by statute, the Act the 9 & 10 Will. 3, the rights of common were clearly exercisable for only six months in the year. Now why, when this exercise of right began at a time when the rights of common could be only exercisable for six months, and he gets relieved from the burthen of the deer, when the forest is disafforested, is he to have a present made to him by the State of rights of common for the first time during the other six months of the year? Is that reasonable? And I should mention to the Committee, as I shall show presently, that that clause in the Act of 1854 was really part of the arrangement under which the provisions for inclosure and the whole of the Act of 1851 were sanctioned by Parliament. It was part of the compact, I admit, that the clause was inserted in that Act of 1854. Why it was not in the Act of 1851 I do not know. I shall produce to you a diary of Mr. Gardiner, which shows the intention to insert it at the time. It was, I have no doubt, inserted in 1854 in virtue of the arrangement or understanding come to in 1851. If my predecessor had known that the clause would have been made the foundation of a claim to totally different rights of common from any which have existed, how can I possibly say that either he or his superiors would ever have assented to such a clause; and how is it possible now, after the lapse of nearly a quarter of a century, to go back and ascertain what were all the considerations which moved either party under all those circumstances? There is one very important point to be borne in mind in reference to the rights of common, that is, that there is an entire identity as regards all the rights in respect of the area over which they are exercisable. It is not that one set of rights are exercisable over one part of the forest which, it is alleged, may have been common at the time when William the Conqueror afforested the forests, and that another set of rights are exercisable over lands which are the demesne of the Crown, but all the rights of common are identical in that respect; if a man has five acres of land, having a right of common of pasture over the New Forest, he has a right to exercise that right of common over every part of the wastes of the New Forest which are not for the time being inclosed under the provisions of the Act of Parliament, to which I shall presently come. Now, is not it perfectly reasonable to consider, as Lord Justice Mellish puts it, that at the time those rights were created as they now exist, that is, as entire rights over the whole forest, the fact of their creation in that form was a consideration to the previously existing common right of owners for having their rights curtailed during six months of the year? Lord Justice Mellish says, in his judgment, that it is to be assumed as a matter of law that at the time the forest was created justice was done by the Crown to the persons having rights of common; and it is to be assumed in this case that at the time when the rights were made, as they are existing, under the decision of 1851, justice

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justice was done to the common-right owners. Some may have been extended, and others may have been created for the first time. How that is it is impossible to ascertain; but I will say this, that many rights of common may have been exercisable according to the forest law, and only during about six months in each year for at least 800 years, and that for 200 years, very nearly, they have been exercisable, subject to the provisions of an Act of Parliament, which expressly declares that they are only exercisable during about six months in each year. Now the commoners allege, as one of the grounds of complaint, that the Act of 1851, inasmuch as it directed the destruction of the deer, was practically a disafforestation of the New Forest. From the extracts from *Manwood* which I have read, I think it will be apparent that there is no ground for that contention, because many animals and fowls of warren which are there mentioned, continued in the New Forest after the removal of the deer, and the Crown was entitled to the protection of the forest laws in respect of those animals and those fowls of warren, as much as it was in respect of the deer. But without in any way saying that the Act of Parliament, which I am now going to refer to, applies to the present case, which I think it does not; I am going to show the Committee what was the view taken by Parliament with respect to rights of common granted by the Crown to owners of lands taken in to Royal forests previously to the *Charta de Foresta*, and afterwards thrown out. There is an Act of Parliament of the 33 Edw. 1, Statute 5, which is called the *Ordinatio Forestæ*, which is in these terms: "Whereas certain people that he put out of the forest for the purview" (the purview of a forest, at all events for the purpose of this Act of Parliament, is land which, having been in the forest, is thrown out by subsequent perambulation) "and by the great men have made request to our Lord the King at this Parliament, that they might be acquitted of their charge, and of things that the foresters demand of them, as they were wont to be, our Lord the King answered, first: That where he had granted purview, that he was pleased that it should stand in like manner as it was granted, albeit that the thing was sued and demanded in an evil point; nevertheless he willesh and intendeth that all his demean lands, wheresoever they be, that have been of the Crown, being returned by way of escheat or otherwise, shall have been estate of free chase and free warren, and in such manner shall be saved and kept to his use for all manner of escheats and for all manner of things that pleaseth him. And in right of them that have lands and tenements disafforested for the said purview, and such as demand to have common within the bounds of forests, the intent and will of our Lord the King is, that from henceforth (where purview is) they may claim to be quit of charge of the forests. And whereas the King's beasts cannot have their haunt and repair unto the forest ground, as they had so long as they were within the forests, that such folk shall not have common nor other easement within the bounds of the woods, nor of the lands, the which remain in forest. But if any of them that be disafforested by the purviews would rather be within the forest, as they were before, than to be out of the forest, as they be now, it pleaseth the

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King very well that they shall be received thereunto, so that they may remain in their antient estates, and shall have common and other easement as well as they had before. Whereupon our Lord the King willesh and commandeth, that his justices of the forest, on this side Trent, and beyond Trent, in like manner shall keep and hold, and cause to be kept and holden, strictly the aforesaid points within their liberties in the form above mentioned." Now that Act of Parliament has never been repealed; it does not appear to have been repealed by the chronological index of statutes published last year, or to have been amended; and it remains as a declaration of what Parliament thought just then, and as an exposition applicable to the present case of what Parliament then thought of the equity as between the Crown and common-right owners who have got common rights in return for the burthen of the forest over their lands. Therefore if the case stood on that Act of Parliament, and if the commoners in the New Forest had been dealt with in the same way as the purview men were under the 33 Edw. 1., they would certainly not have been as well off as they were under the Act of 1851, by which they are at the same time relieved of the burthen of the forest, *quâ* the deer over their lands, and at the same time have their rights of common reserved to them. An illustration of the case as to six months of forestal right of common and the 12 months that are now asked, I think, might be put in this way. Supposing the case to be put as by Mr. Esdaile before the Committee of the House of Lords in 1868, and as seems to be adopted by Lord Justice Mellish in his judgment, and the view also taken by Parliament in the *Ordinatio Forestæ*, that in some cases the rights of common for six months were granted in return for the injury done by deer. Supposing, instead of extending over six months in the year, the rights of certain of the landowners in the New Forest had been a right to turn on during the whole year 2,000 cattle; because the forest is afforested they get a right to turn on 2,000; because the forest is going to be disafforested they ask to have a right to turn on 4,000 cattle. Is that reasonable? I cannot repeat too often that I believe it is wholly futile and unprofitable to inquire as to the origin of these rights, and that we must come back to the decision under the Act of 1851. Pursuing the chronological order in my statement, I may say that a justice seat in the New Forest was held in 1670, and as showing the Committee how oppressive and onerous were the rights of forests even so lately as 1670, I will read a few articles of the inquiries directed to be made by the regarkers of the New Forest at the justice-seat held in the 22 Charles 2; that is the year 1670. By the 3rd article the regarkers were "to inquire and present all other purprestures," that is a particular sort of encroachment, "old and new, made or committed, within the said forest in the several bailiwicks thereof, and especially since the last justice-seat, to the prejudice of the said forest, and by whom they were made or are continued, and the value of the land upon which any such purpresture is made or continued, and in what places; whether in woods, plains, heaths, waters, hedges, or ditches, and whether within the King's demesne lands or without, and if within, then the yearly value of the lands

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lands shall be required, and whether the same have sowed or not, and with what grain, and the value thereof." By the 5th article they are to inquire "what erections, houses, cottages, mills, cow-houses, hogstyes, walls, poles, styles, rails, hedges, or ditches, have been made or erected since the twenty-fifth day of April 1660, or being made or erected at any time before contrary to the assizes of the forest in the King's demesne soil, or without, have been continued since the said twenty-fifth day of April, and by whom." By the 7th, "They are likewise to view, inquire, and present all the old and new assarts within the King's soil or without" (I should interpose the observation that an assart, according to Manwood, was a cutting down of wood, and the bringing of the land on which the wood stood into cultivation, which was considered to be an injury to the beasts and fowls of the forest) "made in the said forest, and in what places they were made, and what number of acres it contains, and by whom it was assarted, and whether the same places have been ploughed and sown, and with what grain, and the value of the crop or crops of grain which grew there, and if the assart were in the King's demesne woods, then they are to inquire furthermore what was the yearly value of the land assarted, and how many tons of timber, and how many loads of underwood were destroyed or rooted up at the time of the making of such assart, and who carried the same away, and what was done with it, and the value thereof." By the 8th, "They are likewise to view all the woods and coverts, within the said forest, as well within the demesnes as without, and inquire and present what wastes, destructions, or sports have been made there since the said twenty-fifth day of April, and by whom they were made, and by what warrant, and what number of tons of timber, and how many loads of dead or decaying trees or of underwoods have been cut down there, and by whom, and who carried them away, and with what carts or horses, and the value thereof, and of the said timber and wood, and to whose use they or any of them were committed, and whether any timber or wood hath been cut disorderly or unseasonably, or without lawful warrant, and the damage that any such waste hath brought to the King's inheritance." Then, by the 10th article, "They shall likewise inquire whether the King's hedges or ditches upon the lands of any subject within the forest, are kept according to the assizes of the forest;" that was so that the deer could pass over them. "And if they be not, whose hedges they are, and how many perches thereof are found to be contrary to the assizes aforesaid, and of what damage the same is to the King, and what new hedges or inclosures have been made since the said 25th day of April, and where and by whom, and how much the same is to the prejudice of the forest." Then by Article 14 they are directed to make an inquiry, which I think would not be a very popular one at the present day to institute, because the regarders were to inquire as to what houses are "suspected to harbour hunters" in the forest. At that justice-seat 307 claims to rights of common were made, but no decisions were given upon those claims. In the year 1698 an Act of Parliament was passed for the increase and preservation of timber in the New Forest in the county of Southampton. Now, as Mr. Howard's statement of the effect of that Act of Parliament has been commented

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upon, I am willing to read either the whole Act verbatim, or to state the substance of it, as the Committee may wish.

21. I think if you would state the substance, the Committee have the power of referring to the Act; it was an Act to promote the growth of timber, as I understand?—It was an Act for the increase and preservation of timber. I should interpose the observation that either with or without sufficient foundation (I make no observation on the subject), that Act of Parliament has been treated by the sub-report of the secretary of a Commission appointed in 1849 to inquire into the New Forest, as a Parliamentary declaration of the right of the Crown to incoppe lands, that is, to inclose them for the purpose of growing timber in the New Forest. Whether that is a legitimate deduction or not from the Act I do not say. Under that Act of Parliament the Crown acquired the right of inclosing 6,000 acres of land to be planted, and when the trees in those 6,000 acres were past injury from browsing of deer cattle or other prejudice, they were to be thrown out, and other lands were to be inclosed, to be in like manner held free from rights of common, so long as the same should continue to be inclosed, according to the direction and purpose of that present Act. A question has been raised on that Act of Parliament, at least on a subsequent Act, which is very nearly in the same terms, if not on that Act, as to whether the power given is one to be exercised only twice, or *toties quoties*, and on that point the Committee will not expect me to express any opinion whatever. I shall point out to them what has been the view taken by Parliament and by Royal Commissioners upon the subject, and I shall leave the case there. I should mention that the land to be inclosed is directed to be taken "out of such part and places in the forest as shall be found or esteemed by the Commissioners who are to be appointed, or any three of them, to be most convenient to be inclosed, and to be most apt and meet to produce wood and timber for the future benefit of the customs, and may be best spared from the commoners and highways of the county." The word "commoners" formed the subject of a great deal of discussion before the Committee which sat on the Bill in 1851, which is the subject of reference to this Committee, and the chairman of that Committee (Mr. Evelyn Denison, afterwards Lord Ossington), if I remember rightly, at all events, one or two of the members of the Committee, suggested that the word "commons" was more correct than the word "commoners," and the word "commons" will be found instead of "commoners" when you come to the Act of 1851.

Lord Eslington.

22. The words "of the county" would only refer to "highways"?—The words "of the county" also formed the subject of remark by the Committee of 1851. With regard to the observation of the noble Lord, the Member for South Northumberland, I may say that the words "of the county" must clearly refer to highways, not to commoners. By the 8th section of that Act of Parliament of 1698 it is provided: "That neither this Act nor anything herein contained shall extend or be construed to extend to the taking away or altering the forest laws (except as before mentioned), but that the said forest and

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and every part thereof, shall be subject to and under the laws of the forests, as if this Act had never been made; anything herein contained to the contrary, in any wise notwithstanding." I read that now because a good deal has been said about a very similar clause inserted in the Act of 1851. Section 9 of the Act of 1698 is: "Provided always, and it is hereby enacted and declared, that all and every person and persons, having any right of common or pasture or pannage, or any privileges within the said forest, or any part thereof, shall hold and enjoy the same in manner following:" now the word "privileges," I beg leave to say, seems to me there to be perfectly correctly employed, and according to its old Latin meaning, that is the rights of a particular class or body of persons; "that is to say, their said right of pannage (viz.) between the fourteenth day of September and the eleventh day of November yearly, from and after the feast of St. Michael the Archangel, which shall be in the year of our Lord God One thousand seven hundred and sixteen, and not before, on forfeiture of any hog, pig, or swine that, from and after the feast of St. Michael the Archangel next, and before the time aforesaid, shall be found in the wastes of the said forest; and their said right of common of pasture shall be, and is hereby continued to them," not for the first time created, but "continued to them," in and through such of the said waste ground of the said forest, at such time and times as the same shall not be inclosed, as aforesaid, the time of the fence month (that is to say) fifteen days before and fifteen days after the feast of St. John the Baptist yearly, and the time of the winter heyning (that is to say), from the eleventh day of November to the twenty-third day of April yearly, excepted, under and subject to the forest laws, in as ample manner as he or they, or any of them, might lawfully claim, or might have held and enjoyed the same before the making of this Act; saving also unto the several adjacent inhabitants their ancient right of fuel; provided that such inhabitants do not fell, or otherwise dispose of, any part thereof, nor that any person or persons presume to receive or take the same in other manner than they ought, nor by reason of any claim or pretence of right that was not allowed, according to the laws of the forest, before the seven-and-twentieth year of the reign of Queen Elizabeth." Now, correcting those dates by the new style (all those dates are old style), and because the rights of common of pasture are not exercised from the 20th of June to the 22nd of July, nor from the 22nd of November to the 4th of May, at that time in 1698 there is a Parliamentary declaration that rights of common in the New Forest, as a matter of law, were not exercisable during more than about six months in the year. That Parliamentary declaration is entirely in accordance with the decision given 160 years afterwards by the Commissioners under the Act of 1851.

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23. The noble Lord near me asks, do you consider that the right of pannage is exercised as a privilege, or as a right?—Now, as a right, I consider that the privileges of the commoners, whose names appear on the register of decisions under the Act of 1851, are rights; that in that particular case the word privilege in its old Latin use, in the sense in which the word *privilegium* 0.100.

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used to be employed, can be correctly employed now in England, just as the noble Lord's "privilege" as Member of Parliament can be spoken of, the right of a particular body of persons, namely, Members of Parliament. I should mention that that Act of Parliament refers to the waste lands of the forest as containing 85,454 acres.

24. None of that inclosed?—"The waste lands of the said New Forest, the whole containing by estimation 85,454 acres.

25. That would be the whole of it open land at that time?—It is a Parliamentary declaration at all events, that the waste lands of the New Forest at that time contained 85,454 acres. Between that time and 1789, that is in 90 years, they certainly became reduced to about 63,000 acres. The Committee ought, perhaps, to be informed that the right of excluding the commoners' cattle during the fence month has not been enforced for very many years. The winter heyning season is, I believe, substantially observed, at all events to a very considerable extent. Before I leave that Act of Will. 3, I should mention that by the 10th section it is provided with reference to "any gift, grant, estate, or interest of, or in the said inclosures or wastes, or any woods or trees growing thereon, that every such gift, grant, estate, or interest shall *ipso facto* be null and void, and the person or persons so taking or obtaining the same, shall be and is hereby made and declared utterly disabled and incapable to have, hold, or enjoy any such gift, grant, estate, or interest; and shall also forfeit treble the value of any such gift or grant to him or them which shall first sue for the same in any of His Majesty's Courts of Record, wherein no esoin or wager of law shall be allowed to the defendant, and shall also be incapable of holding or enjoying any office or employment whatsoever." Upon that clause it has been held by the Court of Common Pleas that a right of common which for the first time existed since the Act of Will. 3 was passed, but which had not existed previously to 1800, so as to be made valid under that Act of 1854, could not be lawfully claimed by reason of 30 years user. Therefore, as a matter of law, after the passing of this Act of Will. 3, no right of common could arise for the first time by reason of any user short of 60 years, and even as to that there is grave doubt; and when the Crown assented to the provision in the Act of 1854 that rights of common exercised since 1800 should be recognised as valid, it was really a present by the nation to the persons who were claiming and had exercised those rights, a gift which it may have been perfectly reasonable under the circumstances to make, but not the less a gift. That Act of the 9th & 10th of Will. 3 was really very much in the form of a previous Act which one honourable Member is very well acquainted with, an Act of the 20th of Charles 2, c. 3, relating to Dean Forest; the 11th section of which is substantially, if not exactly, in the same terms as the section as to rights of common in the Act of Will. 3, and is proof that the declaration in that Act was not a new statutory provision. I may say that in the third Report of the Commissioners of Inquiry under the 26th of George 3, it appears that that Act of Parliament was passed in consequence of representations made to the Crown on behalf of commoners in Dean Forest; and part of the proposals then made

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made consisted in this suggestion: "That it is consented to that the winter heyning and fence month, according to the forest law, being such times wherein no kind of cattle be permitted to abide in any part of the said waste, may be understood to be from Saint Martin's Day in the winter to Saint George's Day in April; and afterwards from fifteen days before Midsummer to fifteen days after." Therefore as regards Dean Forest it is perfectly clear that that declaration was one founded on the representations of the commoners, and the provision in the Act was intended for their benefit. Now I may tell the Committee that with regard to the Act of Will. 3, the Bill on which that Act was founded was the subject of a great deal of discussion while it was going through Parliament. I have had extracts made from the whole of the proceedings upon that Bill, and I have a print of them in my hand. Petitions were presented by the commoners against the Bill; they were fully heard, and the whole thing was very much discussed. If any of the honourable Members would like to see the entries in the Journal of the House, here they are.

26. Those refer as I understand to the Act of Will. 3, relating to New Forest?—Yes. Leave was given to bring in the Bill on the 9th of December 1697. On the 18th December 1697, "Mr. Smith, according to order, presented to the House a Bill for increase and preservation of timber in the New Forest, in the county of Southampton; and the same was received. The Bill was read the first time. Resolved, That the Bill be read a second time upon Tuesday morning next, 22nd December 1697. A Bill for increase and preservation of timber in the New Forest, in the county of Southampton, was, according to order, read a second time. Resolved, That the Bill be committed to a Committee of the whole House. Resolved, That this House will tomorrow fortnight, resolve itself into a Committee of the whole House, to consider of the said Bill. Ordered, That the Commissioners of the Navy and Mr. Ryly, the Surveyor of the woods in the forests south, do then attend the said Committee; and that they do then give an account of all the timber and wood in the said forest, and what the same is fit for. Ordered, That it be an instruction to the said Committee that they do consider how to restrain all grants of the said Forest, and how to appropriate the overplus of the money to be raised by sale of wood, over and above the necessary expense of making the inclosure intended by the said Bill. Ordered, That it be also an instruction to the said Committee that they do consider of some other way of raising money for making the said inclosure, than by sale of timber in the said Forest. 14th January 1697: A petition of several persons dwelling in and near the New Forest, in the county of Southampton, was presented to the House and read, setting forth, that the petitioners severally hold from the Crown divers lands lying in and near New Forest, and they and their ancestors have enjoyed common of pasture, turbary, and pannage in the said forest, and do pay to the Crown divers rents and services for the same. That the petitioners are informed there is a Bill depending in the House for the increase and preservation of timber in the New Forest, in the county of Southampton: And praying, That they may be heard against the Bill before the same do pass. Ordered, That the con-

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sideration of the said petition be referred to the Committee of the whole House to whom the Bill is committed; 19th January 1692. The House, according to an Order of the day, resolved itself into a Committee of the whole House, upon the Bill for the increase and preservation of timber in the New Forest, in the county of Southampton. Mr. Speaker left the chair. Mr. Smith took the chair of the Committee. Mr. Speaker resumed the chair. Mr. Smith reported from the said Committee, that they had made a further progress in the matter to them referred, and had directed him to move: that they may have leave to sit again. Resolved, that this House will, upon Tuesday morning next, resolve itself into a Committee of the whole House, to consider further progress of the said Bill." On the 7th of February 1697 there was presented "a petition of several freeholders and others, setting forth that they and their ancestors have, time out of mind, claimed, and now enjoy, common of pasture, turbary, and pannage in the said forest, which has been a great nursery for breeding cattle; and the petitioners perform services and pay rents to the Crown for the same. That a Bill depending in the House, for the increase and preservation of timber in the said forest will prejudice the petitioners." Then there is another and then another petition, in fact, there are six petitions against the Bill. Then "17th February 1697, Resolved, That this House do immediately resolve itself into a Committee of the whole House," &c. Then the Committee heard the petitioners, and it was ordered that the Report be made on Saturday fortnight. Several petitions were presented, and there seems to have been a good deal of discussion.

27. Perhaps you will hand in that paper to avoid the necessity of reading the rest of it now? —(*The Paper of Extracts was then handed in, vide Appendix.*) The Commissioners under the Act of 26th of Geo. 3rd, in speaking in their 5th Report of that Act of Will. 3rd, employed these terms: "By that Act the Crown was empowered to inclose two thousand acres of the waste lands of the said forest," describing the manner of doing it; and they say at the end, "keeping in this way six thousand acres constantly inclosed, as a nursery for timber. The Crown has also a right to keep deer on the uninclosed part of the forest, at all times, without any limitation on the number." Then the Commissioners refer to the provision as to the rights of commons, and they say, "The rights of all parties being thus distinctly ascertained by this Act of Parliament, and there being no claim of any consequence, founded on ancient usage prior to the date of that Act, except that of estovers for fuel to the adjacent inhabitants, which is not likely to become the subject of any litigation or dispute, we do not find it necessary to swell this report with numerous extracts from the ancient papers and documents relative to it, or from books of the forest, which we had had occasion to peruse. We shall therefore only briefly state, that after a careful examination of all the forest books," and so on; "they say that they believe the greatest attention was paid to all complaints which were made about that Act." I have called the attention of the Committee to the statement in this report that at that time there were no claims of any consequence founded on ancient usage prior to the date of the Act of Will. 3. That Act

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of Will. 3 incapacitated the Crown from making grants of rights of common in the New Forest. Notwithstanding that in 1854 the Crown assented to the recognition of claims to the rights of common which had been shown to be exercised at any time in the year 1800. At page 24 of the same report, in referring to this Act of 1698 and what had been done under it, the Commissioners under the Act of the 26 Geo. 3, say, "and if the powers vested in the Crown for the improvement of the forest had been duly exercised, if the full quantity of 6,000 acres had been inclosed, and the inclosures successively thrown open when the trees were at 20 years' growth, or past danger from cattle, it is obvious that as the Act passed 90 years ago, four times that quantity would before this time have been inclosed, and 24,000 acres of land formerly bare might now have been covered with trees of all ages, from 90 years downwards, in addition to the former woodlands in the forest." I should pause there, to say that the word "ages" was, by a mistake which is to be regretted, in one report written "kinds"; that is a mistake, which the gentleman who made it regrets and apologises for. "But, unfortunately, in a very few years after passing that Act, the care formerly bestowed on the forests was discontinued, the superintendence or co-operation of the Surveyor General of the Crown Lands, in the management of the forest, ceased, and the whole fell by degrees under the sole direction of a Surveyor General of the Woods, a single officer, under no effectual check or control, receiving no official books or records of proceedings from his predecessors, nor obliged to leave any to those who succeed him; so that no regular system of management can be expected or practised." Then the Commissioners, at the end of the report, make certain recommendations as to what they think should be done, on page 29 to page 31. The fifth recommendation is, that the Commissioners to be appointed in the manner therein mentioned should be empowered to treat with persons "having right of common pasture and pannage in the forest, as to the proportion of the 57,845 acres of forest land (being the whole quantity of the open forest, after deducting the 6,000 acres which the Crown is entitled by the Act 9 & 10 Will. 3, to have constantly inclosed) that should be left open during the whole year to their cattle and swine, as a competent satisfaction for the interest or share that they have a right to enjoy of the pannage and pasture of the said 57,845 acres for a part of the year, in common with the King's deer, and what proportion of the said 57,845 acres should be set apart as a competent satisfaction to the Crown or to the public, for the share which the Crown is entitled to of the said 57,845 acres, in consequence of the right to keep any number of deer, without limitation, in that part of the forest during the whole year, and those proportions being ascertained that the deer should be sold, or removed to any other forest or park belonging to His Majesty, or disposed of as His Majesty may be pleased to direct. 6thly, And that the same Commissioners." I again pause to call the attention of the Committee to the expression of opinion by these Commissioners, which I have already adverted to, that the right of the Crown is a right to keep, in one case it is said an unlimited number of deer, in this case it is said to be any number of deer, without any limitation. "6thly. And that the same Com-

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missioners should be empowered to direct the proportion so ascertained to be inclosed, in addition to the 6,000 acres before mentioned, and on the same conditions of throwing open any part of the inclosures, when the trees within the same are past danger of being hurt by cattle, and inclosing in lieu thereof an equal quantity out of the open part of the said 57,845 acres; and those new inclosures to be under the same conditions, and to go on in constant rotation in the manner directed by the Act of 9 & 10 Will. 3, with respect to the lands thereby authorised to be inclosed." Now that is a clear declaration in the last passage I have read of the opinion of the Commissioners, that the power in the Act of William was a rolling power to be exercised *toties quoties*. At page 31 they say that "In our report on the Forest of Dean we recommended that a complete division and separation of rights should take place; that those having right of common should have a competent proportion of the forest allotted to them for cultivation as an equivalent for the rights of pasture and pannage, which are the only common rights in that forest; and that the rest of the forest should be the entire property of the Crown; and such a complete division and separation of rights is undoubtedly desirable in every forest in which it can be effected with the concurrence of those having right of common, and without forfeiting some great advantage to the public in order to obtain it. But in the New Forest we do not think it would be advisable to attempt so complete a separation and division. Besides the right of pasture and pannage, the neighbouring inhabitants have, by the Act of Will. 3, their ancient right of fuel preserved to them, which we have reason to believe many of them would be unwilling to part with for any reasonable price; and from an attentive personal view of the forest, we are of opinion that it would be found difficult to make such a division as would admit of convenient and satisfactory allotments of land to the claimants, for the purpose of cultivation, in lieu of their common rights, and would not at the same time be disadvantageous to the public."

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28. Was this a judicial Commission?—It was a Parliamentary Commission, a statutory Commission; they were Commissioners appointed under an Act of Parliament, and, so far as I know, their Reports have always been considered to be of great authority. In 1792 a Bill was brought into the House of Commons, and I hold the draft of that Bill in my hand; it is referred to in the Report of Mr. Howard to the Treasury, dated the 5th of December 1867, which has been laid before Parliament. That Bill was entitled, "An Act for the further Increase and Preservation of Timber within the New Forest, in the County of Southampton, and for the Sale of Rents, and the Enfranchisement of Copyhold Tenements in the said Forest." "By Section 1 it was provided that it should be lawful for the King to inclose 2,000 acres, part of the waste lands of the forest, which should be kept in severalty for the growth and preservation of timber, exclusive of and over and above the inclosures containing 2,274 acres, already made by virtue of the Act 9 & 10 Will. 3, c. 36, the same to be set out under the authority of a Royal Commission, and also that it should be lawful for the Crown

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Crown from time to time to inclose and hold in severalty further parts of the wastes of the forest under like Commissions, so that the quantity to be inclosed in any one year (above what might be set out as a park or parks as thereafter provided) should not exceed 2,000 acres, and so that the whole quantity to be inclosed and kept in severalty, including the park or parks, and all existing inclosures made under the Act 9 & 10 Will. 3, c. 36, should at no time exceed 20,000 acres. Section 5 contained provisions as to the throwing out parts of the said 20,000 acres when past danger from cattle." And I may stat  , with regard to that Bill, which passed the House of Commons, but which did not pass the House of Lords, that by Section 5 of that Bill it was provided that whenever it should be determined, in the manner there mentioned, "that the woods and trees which shall be growing within any inclosure made or to be made in pursuance of the said former Act," that is the Act of Will. 3, "or of this Act, are become past danger from the browsing of cattle or other injury by being laid open, and shall think fit to lay the same or any part thereof open and in common, and shall cause the same to be so done, that then, and so often, it shall and may be lawful to and for His Majesty, his heirs and successors, from time to time to inclose within the said forest, in lieu of so much as shall be so laid open of the said 20,000 acres authorised to be kept inclosed as aforesaid a quantity equal to that which shall be so laid open," &c. Now, I have looked at that clause, and I think it is quite clear that that, at all events, was a rolling power to be exercised *toties quoties*. That Bill passed the House of Commons, a petition was presented against it in the House of Lords, and the Committee on the Bill in the House of Lords was postponed, and Parliament was prorogued before the Bill was further proceeded with. Under that Bill, I should mention that the rights of common were in terms enlarged to 12 months of the year, they were made exercisable during the whole year. That was the express declaration in the Bill of 1792.

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29. That was simply a proposal; it did not become an Act of Parliament?—It passed the House of Commons; and under it there was a distinct proposal, if you like to put it so, that for the 20,000 acres under the rolling power of inclosure, the rights of common should be exercisable during the whole year; but the right of the Crown to keep deer was not abolished, as it has been under the Act of 1851, but only suspended during the time that the inclosures were made. And I may say that, either founded on that, or independently (I am taking it out of its date, but it comes in more conveniently here), an Act of Parliament was passed in 1812, the 52nd George 3, c. 71, relating to Woolmer Forest, in the same county of Southampton, by which, in consideration of the Crown giving up its right to keep deer, the Crown was empowered to inclose 2,000 acres out of the whole contents of Woolmer Forest, then estimated to contain 5,276 acres. As to that Act containing a perpetual rolling power of inclosure in section 2, I think there can be no doubt; and in reference to that forest I may refer to the Sixth Report of the Commissioners under the Act of 26 Geo. 3, in which there is a passage applicable to rights of common in the forests generally. They say at

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page 23, "It appears that the rights of common which private estates within the perambulation of a forest had in the lands of the Crown, were formerly considered as no more than a fair compensation for the forest rights which the Crown had over those estates; and accordingly, when lands were disafforested, as they were thereby freed from the charge and burthen of the forest laws and the haunt of the King's deer, they were at the same time deprived of their right of common in the forest; but if the same lands were afterwards reafforested, they became restored to that right." In the Session held in the 39 & 40 Geo. 3, c. 86, an Act of Parliament was passed relating to New Forest, which relates principally to matters which it is not very necessary for me to bring under the notice of the Committee. Then an Act of the 48 Geo. 3, c. 72, s. 2, refers to the doubtful legality of certain inclosures made under the Act of Will. 3, and also to the fact that certain lands containing 1,022 acres were fit to be thrown out, and directs the full quantity of 6,000 acres to be inclosed and planted; and contains provisions that when the trees in those 6,000 acres were past danger from cattle they might be thrown out, and another 6,000 acres inclosed. Now the effect of that Act is this: that 1,022 acres were to be thrown out under that Act, notwithstanding that 6,000 were to be made up, and clearly another 6,000 when the trees were past danger from cattle. Therefore, it is quite clear that in that Act of Parliament the power in the Act of William is treated as a rolling power, because altogether provision is recognised for the inclosure of 13,022 acres at all events, and not only of 12,000.

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30. If a sufficient lapse of time occurred, the whole forest might be inclosed under the powers of that Act?—It was so put very strongly on behalf of the commoners before a Committee of the House of Lords in 1868; but that result could only be arrived at under the assumption that the power of the Act of Parliament, the 9th & 10th of Will. 3rd, was a rolling power of inclosure, to be exercised *toties quoties*, and not merely to be exercised twice; but your Lordship is perfectly correct in saying that it has been alleged as a consequence by the commoners themselves, and so lately as 1868, that the result of that Act of Parliament, if those powers were fully carried out, would be to make the forest one great wood.

31. That was admitted?—Certainly. Under the two Acts of Parliament, the Act of Will 3 and 48 Geo. 3, I believe about 14,000 acres have been inclosed, and about 8,010 acres have been thrown out, leaving about 6,000 acres inclosed. There is some doubt, I believe, existing, which has not yet been cleared up (whether it can be cleared up or not I am not aware), as to 800 acres, whether that has not been inclosed twice over, whether it should or should not be taken into computation. There is an Act of Parliament of 59 Geo. 3, c. 86, which makes provision as to winter heyning, and as that has been commented upon, I think I should call the attention of the Committee to the fact that that Act of Parliament does not make any mention of fence month. The Act of 10 Geo. 4, c. 50, I have already referred to, and I shall not trouble the Committee by further noticing it. In 1831 Returns were laid before

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before Parliament which gave particulars of all the sales by the Crown in the New Forest for many years previously, and on the 7th of August 1834 a Committee of the House of Commons which sat on Woods and Forests and properties of the Crown, made their report. The statement with regard to forests is very short, and quite unnecessary to notice upon the present occasion. In 1845 an Act of Parliament, which is called "The Southampton and Dorchester Railway Act," was passed; that is a local Act, 8 & 9 Vict., c. 93. That Act, by section 18, enabled the Commissioners of Woods to sell to the company such portion of the forest as they should consent to the sale of, for the purposes of the railway; and they were empowered to convey the same to the company, and the money received was to be "laid out and expended with all convenient speed by the Commissioners in drainage or otherwise improving the said forest, or any portions thereof, in such manner as in the judgment of the said Commissioners, the Lord Warden, and any two of the Verderers for the time being of the said forest, may best conduce to the mutual benefit of Her Majesty, Her heirs and successors, and the parties entitled to rights of common over the uninclosed portions of the said forest." In the Appendix to the Returns made to the Committee of the House of Lords in 1868 will be found an account of the money received and expended by the Commissioners of Woods under that Railway Act. It will be found that 10,000*l.* or thereabouts, has been expended by the Commissioners of Woods in the drainage of part of the New Forest. At the time those drainage works were executed (it is drainage partly with tiles) the Crown had the right of keeping deer in the forest, and the improvement of the pasturage was therefore a matter which concerned the mutual advantage both of the Crown and the Commissioners. By the Act of 1851 the Crown has given up its right of keeping deer, and therefore the improvement of pasture, which was originally for the mutual benefit both of the Crown and of the commoners, was henceforth only one for the benefit of the commoners as long as common rights continue to be exercisable. I should add, that in the Act of 1851 there is also provision that no part of the land drained with tiles out of money received from the Southampton and Dorchester Railway Company shall be taken into inclosures to be made for the growth of timber under the Act of 1851. Therefore, while the Crown has ceased to have any benefit from that pasturage, it has also not acquired any right to inclose the land as so improved; and, until I am corrected, it seems to me that the expenditure made in that manner has been an expenditure for the benefit of the commoners. On the motion of Lord Duncan a Committee was appointed to inquire into the management of the Woods, Forests, and Land Revenues of the Crown in the Session of 1848. That Committee sat the greater part of the Session of 1848, and part of the Session of 1849, and it never made a final Report; it made an *interim* Report in 1848, but no final Report was made. I will call the attention of the Committee to such passages in the evidence given before that Committee as I think material; and if any honourable Member wishes for other passages read, I shall be happy to read them. In answer to Question 223, Mr. Alexander Milne, who was then the Commissioner of Woods and

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Forests, who had more particularly attended to the business of the forests, stated that the average number of deer kept in the New Forest after 1808 had been from 3,000 to 5,000. I believe a few years before that time they had increased up to 7,000, and had just at that particular time been reduced down to 2,500 or thereabouts. As I have said, he stated in that answer that the average number was from 3,000 to 5,000. The only branch of this evidence, which I propose to trouble the Committee with is this, Damage done to adjoining estates abutting upon the forest by the deer previous to the passing of the Deer Removal Act of 1851; and therefore benefits resulting to the landowners by the removal of the deer. I should explain that there are two sets of numbers. I am now going to read from the evidence given in 1848, and there is a distinct set of numbers for the evidence in 1849. I will begin at Question 3144. Mr. Francis Attwood is asked, "Are you land agent to Mr. Morant?" Mr. Morant, I should say, is, I believe, at the present moment, the landowner, having the fourth largest set of rights of common in the New Forest; at the present time he has upwards of 4,000 acres having rights of common. This agent, I suppose, was only agent for one of two estates, because he describes his estates as only 2,200 acres; but he had another property, which I presume this gentleman was not agent for; at all events he does not allude to it. Mr. Francis Attwood was then examined. Q. Are you land agent to Mr. Morant?—A. I have the care of his estate. Q. Have you had the care of his estate since 1842?—A. Yes. Q. Where is it situated?—A. Within the New Forest, between Lyndhurst and Lymington. Q. What is the size of the estate?—A. About 2,200 acres. Q. Is the property liable to trespass on the part of the deer in the New Forest?—A. To a very considerable extent. Q. Have you always considered that the depredations upon this property, and the mischief and inroads of the deer, were a great drawback on its condition with respect to its cultivation and improvement?—A. It has always been considered so, and we have experienced considerable difficulty in letting it, owing to that cause. Q. Have you been accustomed to hear great complaints of the damage done by the deer, and the difficulty in preventing it?—A. Yes, I have. Q. In regard to fencing against the deer, is the price of fencing against the deer very considerable?—A. I should say the price of fencing against the deer was at least double the price of ordinary park fencing; there would not be occasion to provide such an expensive fence except against the deer, but we are obliged to have a high fence at a great cost. Q. The fence requires to be double the usual height?—A. Yes. Q. Is the extent of fencing considerable round Mr. Morant's boundary of the forest?—A. It extends upwards of three miles. Q. And the repairs of that fence, in order to keep out the deer, are considerable?—Very considerable; I have always heard it spoken of as an item of large expenditure. Q. Is the principal damage done by the deer in winter, and the early part of the spring?—Yes, during the time that the turnips and other green crops are on the ground, when the deer are driven out of the forest for want of food; there is not so much damage done in the summer. Q. Have you frequent complaints made by the tenants on Mr. Morant's estate

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with respect to the deer?—Yes, the greater part of the farms are now in hand; I have often heard the farmers complain very much of the disadvantage as regards the deer, and say that it is to very little purpose they adopt an improved system of farming while they are so exposed to depredations from the deer. Q. Is it a bar to improvement?—A. I should think a very great bar to improvement. Q. Does the liability to trespass from the deer tend, in your opinion, to deter the more intelligent class of farmers from taking farms in the neighbourhood?—A. The farmers we have are not men of very great capital or very great skill in farming; and I attribute that in a great measure to the disadvantage they have to encounter in farming lands which they cannot drain or cultivate to that advantage which they would do if they were not exposed to the depredations of the deer. Q. Do you find any inconvenience in draining the land?—A. Some draining has been done; but I think tenants are deterred from incurring expense under the apprehension that, if they drain the land, the improved crops would be a temptation to the deer to break in and devour them."

32. When the Crown had all these deer forests the whole expense of fencing the deer out would fall upon the landowners.

33. And there were no claims sustainable against the Crown to assist in fencing?—None; it was part of the burden of the forest laws, in consideration of which, according to the judgment I have read, some of the rights of common were given to the adjoining landowners, and the contention now is, that being freed from that burthen, they shall, because the deer are removed, have the rights of common during exactly double the space of time that they had originally. Then the next witness is Mr. Falconer, who says he lives at Wootton; he is asked at Question 3206, "Have you heard many complaints of the deer?"—A. It is a great cause of complaint because the damage done by the deer is very great, and it produces great expense to persons occupying land in the neighbourhood of the forest. (Mr. Langston.) That is not confined to the forest itself, but extends for a considerable distance round the forest?—A. In the district round the forest, deer are generally killed when they leave the forest. With 15 gamekeepers you can watch over 100 square miles, and the opportunity of killing them is so great that it tends to demoralise the population round the forest. Q. Are there a considerable number of deer killed on the borders of the forest?—A. There are, no doubt, a great many killed."

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34. As a matter of fact, were not certain owners of land in the neighbourhood of the New Forest able to kill deer on their own lands?—Not able to kill: I believe they made some agreement from time to time under which they acquired permission to kill.

35. On the manor of Minestead and also on the manor of Beaulieu, was there not the right to kill deer?—I am not aware that anybody had any legal right to kill deer. I believe that in some cases compositions were made under which Mr. Compton had a right for a limited time to kill deer as a matter of arrangement between himself and the officers of the Crown; but I am not aware that anybody had a legal right to do so.

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36. You are not aware that the Lord Warden of the forest, for the time being, had admitted the right to kill deer on the manor of Beaulieu?—I am not aware of it; but I should be happy to consider any evidence on the point. Of course I do not say that everybody was injured all round the forest. I am reading the evidence given before the Committee of 1848, which shows that particular persons were injured. Mr. Castleman, in answer to Question 3247, which is, "Did you ever hear of any damage done by the deer?" says, "Repeated complaints are made of the deer." Then Viscount Jocelyn asks, "Have you any idea of what the cost of taking in that land was?" and he says, "No, I have no idea, it has been inclosed such a length of time; it was granted by the Crown as far back as James I., I believe." Then the Chairman asks, "Do the deer prevent the cultivation of the turnips in that neighbourhood?" He carries it to "that neighbourhood," not the particular place; and the answer is, "They prevent us from growing a crop of turnips, and we can keep no sheep, in consequence, upon the farms there." Then the next question is, "The deer are particularly fond of turnips?" and the reply is, "Yes, and they do great mischief to the standing corn." That gentleman comes from the parish of Christchurch, near Ringwood, which I believe is not in the neighbourhood of the noble lord; then Mr. Moses Cull is examined at Question 3667, "Where do you reside?"—A. At Ringwood. Q. What is your occupation?—A. I am an accountant. Q. Were you born in the New Forest?—A. I was, at Minestead, in the centre of the New Forest. Q. Have you lived there a long time?—A. Yes, I have lived there and at Ringwood nearly all my life. Q. Are you aware of any abuses that have gone on in the forest?—A. Of some of them I am. Q. Have you heard anything about deer-stealing in the forest?—A. Yes, I did know a great deal about it. Q. Will you state what you did know?—I acted as a magistrate's clerk for many years under the person who was formerly under steward of the New Forest. I was his managing clerk from 1814 to the time of his death in 1840. During that time I kept a register of convictions at Lyndhurst, and they amounted, from 1813 to January 1840, to upwards of 700 for deer and wood stealing, and other offences in the forest. Q. Were the penalties very heavy for deer stealing?—A. Some of them were 50 l., others 20 l., and others varying down to 20 s. Q. In the cases of deer stealing, was there generally more than one person concerned?—Yes, very frequently more than one. Q. Have you known the same people convicted over and over again?—A. Yes; the register which I kept from time to time will show it; parties have been tried for second offences, and found guilty, and transported; those I have not registered. Q. Do you think the deer have increased since 1809?—A. Yes, very considerably. Q. Should you think that the injury done by the deer now is much greater than it used to be?—I should think that they do 40 times as much damage now as they did 40 years ago; for instance, where Mr. Compton lives." That is the very place the noble lord was referring to just now, Minestead; "and I was born in that parish where he is living. Forty years ago there were very few deer to be seen in Minestead in the evenings or the mornings, and now you may see hundreds,

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hundreds, that is, in the Castlemalwood walk. Q. Do those deer commit extensive depredations upon the crops?—A. Very much so; so much so that Mr. Compton, though he compounded with the Office of Woods and Forests, gave up the composition, I am informed, and killed the deer."

37. That composition was a matter of arrangement, was it not, that the Crown officers should enter into the manor to kill the deer?—I can only say that I had nothing to do with that composition.

38. "Gave up the composition, I am informed, and killed the deer," are the words of the witness?—If the noble Lord will mention any information which he wishes, I will furnish it; I cannot give particulars now, because I do not know. Then the evidence of Mr. Cull proceeds: "Q. Do the deer stray?—A. Yes; I meet and see many in the roads near Ringwood when I come home at 10 or 11 at night; they take the fences which are not too high. Q. Are the fences obliged to be very high and of an expensive nature, in order to keep the deer out?—A. Yes, and you cannot keep them out then at many places. Q. Are the poor inhabitants subject to depredations from the deer?—A. The poor, and rich also. Q. Do they kill the deer when they stray upon their lands?—A. They could do so under the Act of Parliament, but they do not for fear of the penalties." Then Mr. Compton says this, in answer to Question 3487, "Has any attempt been made, that you are aware of, to limit the rights of turning out cattle in the forest?—A. No; I wish we had the power of ascertaining really who have the right of turning out cattle in the forest. Q. Is it your opinion that many parties turn out cattle in the forest who have no right to do so?—A. I have no doubt of it. Q. Did you ever hear of any parties giving up the composition with a view to kill the deer themselves?—A. Yes. Q. Are the deer a great annoyance to the neighbouring proprietors in breaking into their cultivated land?—A. Yes; but they have always the power of destroying them. Mr. Morant, I believe, has never taken any compensation. I myself had given up the composition and killed the deer, in consequence of the quantity of deer that came upon my land. I have only lately renewed the composition. The place in which I live is so completely surrounded by the forest, that I am more subject to trespass from the deer than almost any other person; and at one time the deer, and particularly the does, increased to so great an extent, and the forest was so surcharged by them, that there was hardly food enough for them; but I think within a few days ago, by order of the Lord Warden, the number of does was reduced by very nearly 2,000 head." Then he says, in answer to Question 3544, "Q. Supposing the deer were removed from the forest, do you think that the rights of the Crown to pasturage in the forest could be let to advantage?—A. If the deer were removed it would be advantageous to those persons who enjoy forest rights, because, whatever deer there are in the forest is a disadvantage to those who turn in cattle. Q. Is there a little confusion upon the subject of rights of pasturage between the commoners and the Crown?—A. No; the Crown have nothing but the deer. Q. How many deer may the Crown turn in?—A. The Crown have the power of turning in an unlimited

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number of deer; but the number of the deer in the forest has been much reduced of late. Q. If the Crown turned in deer to a very large extent, that would take away some of the pasturage of the commoners?—A. Yes; whatever number of deer are in the forest, it is detrimental to those who turn cattle into the forest. When there was an immense number of deer, I, amongst others, did not receive the composition, but killed the deer that trespassed on my land; I have no doubt that many persons are suffering more from the deer than they used to do before the railroad was made, because the railroad was not carried at the extremity of the forest, which it might have been, in which case it would have formed a good boundary to the forest; but it passes within half a mile of the extremity of the forest, and the deer get on the other side of the railroad, and, of course, trespass more upon those lands than they formerly did. Q. If the railway prevents deer from re-crossing, would it not prevent them from crossing the railroad in the first instance?—A. It does not prevent them crossing, because we know that they do cross. Q. You think that there has been more trespassing by the deer since the establishment of the railroad on the land on the other side of the railroad than there was formerly?—A. Yes, I do, because there have been great complaints of it; if the railroad had been taken half a mile further to the south, it would have formed a good boundary to the forest, and it would have been a very good thing for the railway company into the bargain," and so on. That Committee, as I have already said, made no report. Then, in 1849, an Act of Parliament was passed under which a Commission was appointed "to inquire into and report upon rights or claims over the New Forest, in the county of Southampton, and Waltham Forest, in the county of Essex;" and they made a Report. The Commissioners were Lord Portman, Mr. Dampier, and Mr. Daly. That is under the Act of 12 & 13 Vict. c. 81. There are very few passages in this Report which I shall trouble the Committee with. At page 6 they say, "It will be observed that our secretary has collected some statements, and set down some arguments, tending to show that, in their origin, these rights over the forest were a compensation, and in the nature of an equivalent, for the burthen on the forest laws on lands afforested; that the enjoyment of them was, in some measure at least, dependent on the faithful discharge of the duties which those laws imposed upon the dwellers within the forest, and that the rights generally may have been extinguishable or extinguished by a disafforestation of the lands in respect of which such rights were claimed; that the right of common of pasture over the Royal demesne (which is the most widely claimed right) had its origin partly in a voluntary agistment by the Sovereign of other men's cattle on his own demesne for revenue purposes, and partly from the inter-commonage naturally arising between the Royal demesne and the lands of other men within or adjoining the forest in times when almost the whole compass of the forest and large districts without it lay open and uninclosed; and that the right in question is exerciseable over so much of the pasture of the forest only as is not required for the feed of Her Majesty's deer, and may further be limitable by a Royal right of inclosing portions of the forest for the growth of timber, together with various other

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other facts and inferences which his unavoidably *ex parte* and avowedly incomplete investigations have suggested." Then at page 8 of that report is an opinion of the law officers of the Crown in 1810, which it is very material that the Committee should have before them. The opinion related to Windsor Forest, and the law officers of the Crown were then the Attorney General, Sir Vicary Gibbs, afterwards Chief Justice of the Common Pleas, and Sir Thomas Plumer, afterwards Master of the Rolls. That opinion, dated the 23rd of May 1810, is as follows: "It appears to us that a false view has been taken of this subject for want of distinguishing between those rights of common which are mixed with no other interest but the lord's right in the soil, and those which are mixed also with the King's forestal rights. In the former case, the rights of common, being limited either by a stated number of cattle or by levancy and couchancy, must be satisfied before the lord can take any part of the pasture, because he or his predecessors have subjected their own interests in the soil to these qualified rights of pasture. But the case is very different where the king has not only the right of soil, but also forestal rights over the land, in which a right of common is claimed. The forestal right has in its nature no limits. The exercise of it varies with the number of beasts which the King may at different times see fit to support. He seldom stocks it to the full; but there is nothing, as we conceive, to prevent him from doing it if he pleases; and the rights of common must be so exercised as to leave a sufficiency of pasture for such beasts of the forest as the King may please to keep thereon. All rights of common, which can be legally exercised, are limited either to a stated number of cattle or to the number which can be levant and couchant upon the land. But the forestal right has no such bounds, nor do we find the least vestige of any restriction ever put upon it, or of any rule by which it has ever been or can be limited. When an admeasurement takes place, a sufficiency of pasture is to be provided for the beasts of the forest before any allotment is made to the commoners, which must necessarily mean for the beasts then fed upon the forest; but if they should afterwards be increased in number, a larger provision must then be made for them. This we understand to be the nature of his Majesty's forestal rights." By way of observation on that opinion, Lord Portman and his brother Commissioners say this in a paragraph, which I will read.

39. Did you not say that this report was written by the secretary to the Commission?—No; this is the Report of the Commission itself.

Lord Eslington.

40. Are the Committee to understand that before the passing of the Deer Removal Act, the poor had the right of killing deer that were injuring their dwellings, under Act of Parliament; I think you said something to that effect?—No; I said that some witness said so; I did not say so.

41. But it was stated in evidence?—Yes.

Mr. Alexander Brown.

42. I understand you to say that it was the secretary of Lord Portman's Commission who collected those facts which you have just read?—No; I have been reading the Report of the Commission. There is a long sub-report by the secretary. The Report of the Commission itself, which I am reading from, refers to the report from the secretary annexed; but the passage I am going to read is from the Report of the Commission itself: "Nor does this distinction between a manorial and a forestal common appear to us unreasonable. In the former case, the commoners have been tenants of the lord, and connected with his property. In the case of a forest, the commoners are strangers to the Sovereign, and have probably been allowed such right of common as an indulgence, by way of making up for the strictness of the Sovereign's forestal rights, a strictness which has long ceased to exist; while the indulgence, which originally may have been readily granted, because easily curtailed or withdrawn, is still enjoyed. We apprehend, therefore, that this distinction should be clearly kept in view when the subject of compensation in land, to be allotted to the Crown in lieu of forestal rights, is discussed; and that the Sovereign, in this respect, ought not to be considered as the lord of a manor, but as the owner of a forest; and that the rights of common of pasture therein ought not to be dealt with as if they resembled those of a commoner on a manorial waste. Your Lordships, consequently, may fairly expect that, in case of any arrangement being proposed for the separation of the rights of the Crown and of the commoners in this forest, a correspondingly large portion of the soil of this forest should be severed for the use and benefit of the Sovereign and the public."

Lord Eslington.

43. We should like to know very much what the Act of Parliament was under which they claimed this right of killing deer?—I have made a note of that, and will get the reference for you. The report by the secretary has not that authority, of course, which the Report by the Commission has; and I do not propose to trouble the Commission with it. He expressed a very strong opinion as to the origin of forestal rights of common having been by way of compensation for the burden of the forest. The Commissioners in that Report advert to the propriety of removing deer from the forest, and in November 1850 the usual notices were given, under the Standing Orders, of the intention of the Government to bring in a Bill in the next Session to remove the deer and other beasts of chase from the New Forest. The words "other beasts of chase" are not, perhaps, immaterial. By the Bill of 1851, as introduced, it was proposed that as compensation for the cessation of the Crown's right of keeping deer, the Crown should have the right of inclosing and holding in severalty for the purpose of planting 14,000 acres; and as the trees in those 14,000 acres grew up so as to be past injury from the browsing of cattle, they were to be thrown out, and a fresh quantity from time to time inclosed.

Tuesday, 11th May, 1875.

MEMBERS PRESENT:

Mr. Biddulph.
Mr. Alexander Brown.
Sir Charles Dilke.
Lord Eslington.
Mr. John Stewart Hardy.
Colonel Kingscote.
Mr. Ernest Noel.

Earl Percy.
Mr. Rodwell.
Mr. Ryder.
Lord Henry Scott.
Mr. William Henry Smith.
Mr. Edward Stanhope.
Mr. Cowper Temple.

WILLIAM HENRY SMITH, ESQ., IN THE CHAIR.

Mr. HORACE WATSON, recalled; and further Examined.

Chairman.

44. I am desired by the Committee to request that you will, as far as possible, confine yourself to a statement of facts in the evidence which you give rather than an expression of a general opinion upon the facts, or an argument upon the facts, as you may state them; they are of opinion that it would tend very much to the elucidation of the real facts of the case, and to the economy of time, which now is exceedingly important?—I shall use my best endeavours to comply with the directions of the Committee. There were one or two points which the noble Lord the Member for South Northumberland, and the noble Lord the Member for South Hants, raised on the last occasion on which I might perhaps say a word or two before going to the Act of 1851. The noble Lord the Member for South Northumberland asked me if there was any provision in the Act 10 Geo. 4, c. 50, which specified the tenure of office by the Commissioners of Woods. I replied, as is the fact, that there is no such provision in that Act of Parliament, and I also from memory referred to a provision in an Act 14 & 15 Vict., c. 42, to the effect that the salaries of the Commissioners of Woods should thenceforth be provided out of monies to be voted by Parliament, instead of being, as they were under the Act 10 Geo. 4, c. 50, chargeable on the gross land revenues of the Crown. The section in the Act 14 & 15 Vict. which effects that arrangement is the 4th section of that Act. I may mention that, by the 1st section of the same Act, the tenure of office by the Commissioners of Woods, and also the tenure of office by the Commissioners of Works and Public Buildings, a new department which was separated from the Office of Woods in 1851, is defined to be “during Her Majesty’s pleasure, and no longer.” The Commissioners of Woods therefore now hold their offices as the right honourable gentleman the Member for South Hants held his office, when the public had the benefit of his services as First Commissioner of Works, during pleasure, and no longer. Then the noble Lord the Member for South Northumberland also referred to some evidence given by Moses Cull before the Select Committee of the House of Commons which sat in 1848, in which,

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in answer to Question 3383, in speaking of the landowners round the New Forest, he said that they could kill the deer which strayed on their lands under an Act of Parliament, but that they did not for fear of penalties. The noble Lord asked me to refer to the Act of Parliament, but I was unable to do so; and, for the best of all reasons, because, as far as I can ascertain, there is no such Act. On examining the answer in 1848, it will be at once seen that it involves a contradiction, because a person would not abstain from doing that for fear of penalties, which was authorised by an Act of Parliament. But the Act of Parliament which I have found is 7 & 8 Geo. 4, c. 29, ss. 26 to 29. That Act of Parliament has been altered and amended by the Act 24 & 25 Vict., c. 96, ss. 12 to 16, both relating to the killing of deer in inclosed and uninclosed grounds and forests; and penalties are imposed by the first Act, 7 & 8 Geo. 4 (which I have here to refer to if necessary), for killing deer under certain circumstances, or being found in the possession of the bodies. Then the noble Lord the Member for South Hants asked me a question as to the evidence of Mr. Compton, given before the Committee of 1848–49, regarding compositions in respect to the killing of deer by landowners whose property was in or near to the New Forest. It will be convenient that I should explain to the Committee that previously to 1850 there was a double establishment for the management of the New Forest, the Lord Warden’s establishment which had control of the deer and forestal rights, and the Commissioners of Woods’ establishment, the local officer under whom was the deputy surveyor. The last Lord Warden was the late Duke of Cambridge.

Mr. Rodwell.

45. When did there cease to be two establishments?—The Lord Warden’s office ceased upon the death of the late Duke of Cambridge; it ceased by no successor being appointed. There was considerable conflict between the jurisdiction of the Lord Warden and the Commissioners of Woods. I will not trouble the Committee with the details of the evidence upon the subject; I will

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will just refer them to the passages in reports, and evidence which relate to the subject; in the Report of the Commissioners of 1789, pp. 8, 13, and 25, and in the evidence of 1848, at the answers to Questions 2275 to 2279, 4639, 4640, and 3230, an opinion seems to have been entertained that that *divisum imperium* between the Commissioners and the Lord Warden was not a desirable state of things to continue; that it had lead to inconveniences which it was in the public interest should be put an end to. Under the Lord Warden there was an officer called the Lieutenant of the Forest, and that officer was the late Mr. Compton, who was Member of Parliament for South Hants. I had never the honour of knowing, and I do not know that I ever saw Mr. Compton; but I have always understood that he was a most high-minded and honourable English gentleman, as I have understood his son now is: and I have been also told that if ever he considered that a question arose between his rights and the rights of the Crown, which he was bound to protect, he would in any case have preferred that his own rights should give way. Now Mr. Compton is one of the gentlemen to whom a composition is stated to have been rendered in the evidence given before the Committee of 1848; and it was suggested that the composition was a return for the injury done by the deer; and that persons upon whose land the deer strayed had, as a matter of right, power of killing the deer which they found trespassing on their land. Now, as regards the compositions made in that way, it appears that most of the persons to whom the compositions were rendered had property outside the boundaries of the Forest as now defined, that is outside the boundaries of 93,000 acres which I described at the last meeting of the Committee, but within the old boundaries of the Forest, as they were defined under the perambulation of the 8th of Edward 1st, as being the boundaries of the Forest at the time of its afforestation by William the Conqueror. Now, according to Manwood, the owners of lands within the limits of the purties (that is lands which were formerly between the limits of the Forest, but which have been thrown out of the Forest) had certain limited rights of hunting and of killing deer in a particular way when they were trespassing on their lands, and these compositions were in most cases, not in all cases, because there were some compositions paid to the owners of land in the Forest, but in most cases they were rendered to owners of lands outside the boundaries of the Forest, as it now exists. Mr. Compton was one of the exceptions from that general statement. His land, the Manor of Minestead, is within the boundary of the Forest. In 1852, under the Act of 1851, with reference to inquiries into rights of commoners in the New Forest, Mr. Compton sent in a statement of the claims which he then made. It is quite true that the Commissioners, under the Act of 1851, had only a power of inquiring as to rights of common and certain other rights, which certainly did not include any right of adjoining landowners in regard to deer or trespass of deer; but still Mr. Compton thought proper to send in a statement of what his claims were, and that statement of claims was published in the "London Gazette," of which I hold a copy in my hand, and as it is very short I will just, with the permission of the Committee state what he claimed. He claimed,

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as Lord of the Manor of Minestead, "a right at all times to search for and bring back all animals escaping from the said manor. View of frank pledge of the inhabitants within the manor, twice in the year, and waifs and estrays, and honey found in his woods. To have his woods in his custody by his woodward, &c." Now this is the material passage, "The said woodward to take an oath at Swainmote Court," that is the Forest Court, "to survey that the wild beasts of the Queen do not suffer injury in the said manor, and for that purpose to walk with a bill, or staff, and hound in the said manor. Such woodward to appear at the Swainmote Court at Lyndhurst, and place his horn on the table, and receive same again, and present all wild beasts and venison of the Queen preserved in said manor. No other forester of the forest to enter the said manor without license of the said H. C. Compton. The said woodward to have a stag yearly in summer, and a hind yearly in winter, to be killed by him in the said manor, and to give notice thereof to the keeper of the forest by a blast of his horn, &c. To have the left shoulder of all wild beasts found slain or wounded in the said manor. Right to make a yearly drift of all animals in said manor." That is as regards the soil, the property of Mr. Compton, and not the property of the Crown, "To convert to his own use the profits of all cattle there found belonging to persons not having commonable rights. Right on days of holding frank pledge, to go to a place called the Steward's Standing and to hunt a wild beast there." Then he claims various other rights about fern and furze, and peat. But this woodward was to take an oath "that the wild beasts of the Queen do not suffer injury in the said manor." Then there is some evidence given by Mr. Milne on this question, which I would call the attention of the Committee to, because it is desirable that they should see all that is material on the subject. This is evidence which was given before the Committee of 1848 in answer to Question 491. "In respect to right of herbage, is not there at present a struggle of jarring interests going on between the Crown, the warden, and the commoners?—(A.) No, I do not think there is any struggle of interests in that respect; it is quite understood that the commoners have a right to turn in their cattle at certain seasons of the year, and that they must take them out at other seasons; I have never found any conflicting interests connected with that. (Q.) The Crown has the power of increasing the number of deer to an unlimited extent?—(A.) It has. (Q.) Therefore, if the Crown were to increase the number of deer, they might thereby infringe on the rights of the commoners?—(A.) Yes; the right of the Crown to turn in deer is unlimited. (Q.) And on the other hand, if the commoners turned in all the cattle that they were entitled to turn in, they might encroach on the right of the Crown?—(A.) Yes; but that is generally a matter of arrangement among the commoners themselves." Then with regard more particularly to this question of deer at Question 1950. The Chairman asks, do many accidents occur amongst the deer?—(A.) I believe many accidents do occur; but accidents to the deer are not reported to the Commissioner of Woods; we only incidentally hear of them. (Q.) Are complaints made of depredations by the deer?—(A.) There have been occasional complaints.

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plaints. (Q.) Are the neighbouring proprietors round the Forest, and those proprietors who have freehold property in the Forest, obliged to erect fences at their own expense in order to keep the deer out of the fields?—(A.) They are. (Q.) That adds considerably to the expense of their fencing?—(A.) I have no doubt it does. (Q.) Are deer supplied to them on condition that they do not destroy the deer upon their own property?—(A.) I do not know upon what principle deer are supplied to those persons; the number of parties to whom deer are supplied, is by no means equal to the number of freeholders round the Forest; what we call composition deer seem only to be supplied to those who have large estates in the neighbourhood of the Forest. (Q.) Have they a right to shoot deer upon their own land?—(A.) That I understand is a right claimed and occasionally exercised. (Q.) Do the farmers in the neighbourhood make complaints about the deer?—(A.) There have been complaints, but not numerous. (Viscount Morpeth.) Have you heard of cases in which deer have been shot?—(A.) Yes; there are some persons who decline to receive composition deer, and who claim the right to shoot them, and do shoot them." Then Mr. Thomas White, who is steward to the Lord Warden, says this, in answer to Question 2507:—"Do the deer trespass much upon the farms in the neighbourhood?—(A.) Very much. (Q.) In summer or winter?—(A.) At all times of the year. (Q.) Do they get into the standing corn round the Forest?—(A.) Yes; they trespass very much, and there is a great deal to do to keep the people in good humour; and if there was not an opportunity of giving them a little venison, they would be very angry. (Chairman.) Do they trespass on your land?—(A.) No; I have a good fence. (Q.) It increases the expense of fencing, does it not?—(A.) Now, this answer I beg to call your attention to: "Yes; everybody knows, when they come to buy property there, that the expense is increased in consequence of the trespass of the deer; the property is not sold for so much on that account." Now, that I may just say is strictly in accordance with the old law in Manwood; the rights of persons within the purlieus of the Forest (that is land which has been within the boundary of the Forest, but is no longer so), are defined with great clearness, but at considerable length, and, certainly, I do not propose to trouble the Committee by reading some 20 or 40 pages of Black-letter law on the subject; but I will state shortly the heads: "In what sort a purlieu man may hunt in the purlieu." These are the conditions which are stated at folio 162: "First, that he do beginne his chase in his owne purlieues (*purlieu*); second, that he do not forestall nor kill y wild beasts with any ingin." Lawyers are familiar with the word "forestall" in old deeds relating to markets and fairs, but it is not usual with regard to forests; it is explained, however, in another part of the chapter in this way; that he must not cut a deer off on his way back to the Forest; he must not do what some greyhounds do, run sly; "thirdly, that before his dogs do enter in the Forest he do repeale and call them back againe; fourthly, that in no sort he do pursue his dogs into the Forest, except that they fasten upon the deere firstt, and that the deere do draw the dogges into the Forest, and then kill the same." And then there are a number of things that he may not do; he

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may not hunt on Sunday, nor in the night, nor in the fence month, nor any oftener than three days a week, and a great many other things that are stated.

46. Has not all this been superseded, as it were, and put an end to by the Act of 1851?—Certainly.

Lord Henry Scott.

47. You do not mean to state that Mr. Compton was a purlieu man?—No; I have said already that he was not; coming to more recent days, I should, perhaps, explain that there was one case in which I find I did not quite accurately state the effect of the decision, and in regard to which I should desire to correct my former answer; that is a case relating to a decision of the Commissioners under the Act of 1851, as to the effect of the Prescription Act upon rights of common in the New Forest, which had originated since the Act of Will. 3, which prevented the Crown from granting any rights in the Forest. The case is one of Mill against the New Forest Commissioners, and it is reported in the 18th Common Bench Reports, page 60. Lord Chief Justice Jervis says: "I entertain considerable doubt whether Lord Tenterden's Act applies at all to such a case as the present, in which it appears that the dominant tenement is an inclosure made since the 9 & 10 Will. 3, c. 36, for to hold that it does apply, would be in effect to hold that the general words of Lord Tenterden's Act repeal the express and positive enactment of the Statute of Will. 3, that there should be no grant by the Crown of any rights over the Forest, and nothing taken by such a grant. It is unnecessary, however, to give any opinion on this point." Mr. Justice Crowder says: "I am inclined to think that the Statute of Will. 3 is such that Lord Tenterden's Act would not apply to this case. But I do not wish to decide upon that view, though it seems to me that it would be putting a very strong construction on Lord Tenterden's Act to hold that the evidence here was rightly rejected; it would in effect be repealing the Statute of Will. 3." Mr. Justice Willes says: "It is unnecessary to say whether Lord Tenterden's Act should not be held to apply only to the case of law, in respect of which the right could possibly be granted according to law; that question is only important with respect to a 60 years' enjoyment. On the above grounds the claim must be disallowed." Only 30 years' enjoyment was shown in that case, and the court expressed grave doubts as to whether even if 60 years' enjoyment was proved it would be sufficient to substantiate the right after the provision in the Act of Will. 3, by which the Crown was prevented from granting any such rights in future. However, that point was not decided, it was only referred to in the judgment. Then I come down to 1850. In December 1850, there is a declaration of the Lords of the Treasury reciting that with regard to inclosures which had been made under the Act of Will. 3, containing 4,051 acres and 24 perches, the woods and trees growing on those 4,051 acres and 24 perches "are become past danger of browsing of deer, cattle, or other prejudice." Then it declares that the Treasury "thinks fit to lay the inclosure open and in common; and do hereby declare and make known that the inclosures above mentioned are laid

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laid open and in common accordingly, to the intent that an equal quantity of other waste lands of the same Forest may be inclosed in lieu thereof, and kept in severally for the growth and preservation of timber, agreeably to the directions of the said Acts." In accordance with that declaration the four thousand odd acres were thrown out in the spring of 1851. No inclosures made under the Act of Will. 3 or the Act of 1851 have since been thrown out. All the circumstances as regards the throwing out of inclosures were, therefore, known, or could have been ascertained in the spring of 1851 which could be now known or ascertained.

Lord Eslington.

48. Are we to understand that up to this present day the Lords Commissioners of the Treasury have the power of directing the throwing open of any portion of the inclosed parts of the Forest that they may think beyond the reach of cattle?—I had better read the provision of the Act of Parliament; it is the 4th section of 48 George 3rd, c. 72, which regulated that certificate, and it says: "That at all times hereafter, whenever the Lord High Treasurer or Commissioners of the Treasury, or Chancellor of the Exchequer for the time being, shall be satisfied, and shall determine that the woods and trees which shall be growing within any of the said inclosures, whether made before the passing of this Act, and hereby confirmed, or to be made under and by virtue of this Act, are become past danger of browsing of deer, cattle, or other prejudice, and shall think fit to lay the same or any part thereof open and in common, and shall cause the same so to be done, and then and so often it shall be lawful for his Majesty, his heirs and successors, from time to time to inclose in lieu of so much of the inclosures in either Forest as shall be so laid open, the like quantity out of any other part of the residue of the wastes of the same Forest, to be set out by like commission and admeasurement as aforesaid, and to be holden, inclosed, freed, and discharged of and from all manner of common and other rights as aforesaid, for so long time as the same shall continue inclosed, according to the direction, purport, and intent of the said recited Acts or this Act, to be a nursery or nurseries for timber as aforesaid, instead of so much as shall be laid opened according to the direction aforesaid." Therefore that is clearly a power to be exercised at the discretion of the Treasury under the circumstances there mentioned, but only and solely with a view to the inclosure of other lands of a similar character which are to be held under similar conditions.

Earl Percy.

49. At the time this 4,051 acres were thrown open, was that the whole of the inclosed ground at that time in the Forest?—No. At the last sitting of the Committee, I noticed the fact, that in the month of November 1850, the usual notices were given by advertisement of the intention to bring in a Bill to remove the deer and other beasts of chase in the New Forest and for other purposes. The Bill of which I hold a print in my hand, I believe, has been distributed among the Committee. It recites that: "all persons having rights of common or other rights in or over the New Forest, in the County of Southampton, as well as all persons having estates

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within or adjoining to the same, would be greatly benefited by the removal of the royal deer within the said Forest. And whereas Her Majesty has been graciously pleased to signify her intention to give directions for the extinction or removal, with all convenient speed, of Her Majesty's deer within the said Forest, and to consent to the extinguishment of the important and valuable vested right of the Crown to stock and keep the said Forest stocked with deer and other beasts of the Forest." The words "other beasts of the Forest," were struck out of the Bill in the course of its passage through the House, "in consideration of the compensation hereinafter provided in lieu of such right." Then it recites the Act of 9 & 10 Will. 3, and the Act of 48 Geo. 3, and that under them, "Her Majesty is empowered to inclose and keep inclosed in severalty in her actual possession, freed and discharged from all rights of common, and from all manner of rights, titles, or pretences, or privileges or claims whatsoever, such quantity of land in the said Forest as shall amount to 6,000 acres, such inclosures, when the woods and trees growing therein have become past danger of browsing of deer or cattle or other prejudice, to be laid open, and other lands of equal quantity to be thereupon inclosed in lieu thereof, and so from time to time in manner in the said Acts or one of them particularly provided." Then section 1 is: "That the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings" (because the Board was united at the time this Act passed) "or such officers or officer of Her Majesty as the said Commissioners shall order, shall, with all convenient speed, and within two years from the passing of this Act, remove, or cause to be removed, all Her Majesty's deer within the said Forest, and apply and dispose of the same as Her Majesty, her heirs, or successors, shall direct." Section 2: "That when such deer shall have been so removed, the right of Her Majesty, her heirs, and successors, to keep deer and other beasts of forest or chase in the said Forest, shall absolutely cease." Section 3: "That it shall be lawful for Her Majesty, her heirs and successors, from time to time to inclose, sever, and improve, and plant with trees of any kind, within and out of the waste lands of the said Forest, in whole or in part, any quantity of land not exceeding 14,000 acres in the whole, in addition to the 6,000 acres already in inclosure, or which shall be inclosed as aforesaid in the said Forest, under or by virtue of the Acts of Parliament in that behalf hereinbefore mentioned, and so that there shall not be more than 20,000 acres (inclusively of the said 6,000 acres in the said Forest) inclosed and held in severalty as aforesaid at one and the same time."

Chairman.

50. The words are "20,000 acres"; that section limited the power of the Crown to inclose at any one time 20,000 acres; is that so?—Yes, the Bill as brought in did so; this section was altered.

51. I think, probably, it would be better for us to confine ourselves to the Act as it became law?—I must point out that the Bill as brought in proposed to give the Crown 14,000 acres for the right of keeping deer, in addition to the 6,000 acres, making 20,000 acres. The Act as

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Chairman—continued.

passed, instead of 14,000 acres, gives 10,000 acres; and to show how the 14,000 was cut down to 10,000, I shall have to state what occurred before the Committee, and the negotiations which took place subsequently, as shortly as I can. Then section 7 provides that the Forest shall remain vested in Her Majesty, notwithstanding the removal of the deer. That Bill as introduced differed from the Bill of 1792, which I referred to on Friday, in these particulars, that it gave 14,000 acres to the Crown to be inclosed in the first instance instead of 20,000, including existing inclosures, and the right to keep deer was abolished instead of being only suspended at the time of the inclosures being in existence, and also the rights of common of pasture were not, as they were in the Bill of 1792 which passed the House of Commons, enlarged so as to be applicable to the whole year. There is no provision to that effect either in the Bill as introduced in 1851 or in the Act. I may just state that one of the allegations in the petition which has been referred to the Committee is that there had been no ascertainment of rights of common at the time this Bill was introduced. I may say, as regards all the disafforesting Bills introduced since 1851, that I am not aware of any case in which rights of common have been ascertained at the time of a disafforesting Bill being introduced. In point of fact, in the case of Woolmer Forest, which I referred to at the last sitting of the Committee, when the Act of the 52 Geo. 3, c. 81, was passed, which gave the Crown a power of inclosure, 2,000 acres out of 5,276 acres, in lieu of the right of keeping deer, there had been no ascertainment of rights, and that ascertainment of rights did not take place till many years subsequently after an Act which was passed in 18 & 19 Vict., c. 46; and even at the time of the passing of that Act the rights had not been ascertained. Neither had the rights of common been ascertained at the time of the passing of the Act 20 Charles 2, c. 3, which no doubt formed the foundation of the Act of William 3, relating to the New Forest. The Act of Charles 2, relating to the Dean Forest being, as has been pointed out, different from the Act relating to New Forest, in this respect, that Dean Forest had been disafforested practically. The Act of Charles 2 re-afforested it, and contained provisions that notwithstanding what is practically the re-afforestation, the Crown should have the right of enclosing 11,000 acres out of 23,000 acres, a much larger proportion than there is in the New Forest; and there were similar provisions in that Act as to the fence month and the winter heyning to those contained in the Act of Will. 3. Two petitions were presented against the Bill of 1851; one by the Duke of Buccleuch and Lord Malmesbury and several other persons, and the other by several persons possessing rights of common in the New Forest.

Lord Henry Scott.

52. Can you state the number of persons?—I have not got them here.

53. Have you got the second petition?—To the second petition I have got five signatures here; to the first petition I have the names of "Buccleuch," "Malmesbury," and Charles Hulse. The case came before the Committee on the 25th of June 1851, and there were then present the following Members of the Committee: Lord Seymour, Mr.

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Lord Henry Scott—continued.

Evelyn Denison (afterwards Lord Ossington), Sir William Gibson Craig, Mr. Gore Langton, Viscount Duncan, Mr. H. B. Clive, Mr. Henry Drummond, The O'Gorman Mahon, Mr. Compton (who was the Member for South Hants, and had himself been the lieutenant of the forest), Mr. G. Noel, and Lord Charles Wellesley. Mr. Evelyn Denison was chairman. Then the Act of William 3 and some other Acts of Parliament were referred to. The Committee, I believe, have had the evidence printed. The material points, I think, in the evidence are these two; first, that of Mr. Gardiner, the solicitor to the Office of Woods, stated distinctly, and that that statement was admitted in the most unreserved way by Mr. Talbot, who appeared as counsel for the noble petitioners against the Bill, that the powers of the Act of Parliament already in existence as regards inclosure were a rolling power to be exercised *toties quoties*, and that under those powers the whole forest might be turned into a wood. Mr. Gardiner states that, and Mr. Talbot says: "That I fully admit." The next and most material point is, that Mr. Gardiner stated that after the deer were removed, if the Act passed, the rights of the Crown as regards the residue of the forest which was not enclosed and planted at the time being, would be those of an ordinary lord of the manor, which I think he described as being from 1-14th to 1-16th of the value of the fee. In his evidence before the Committee of the House of Lords, in 1868, Mr. Gardiner to some extent explained this evidence given by him in 1851, to the effect that he thought he was going a little out of his province then, and that it must have had reference to the Bill as at the time it stood, and to the provisions of the Bill as to inclosure and as to the abolition of other beasts of forest and chase besides deer. What took place subsequently to that I shall have to state to the Committee. The Committee in 1851 passed the preamble of the Bill, retaining the power for the Crown to inclose 14,000 acres of land, and there the matter rested. Negotiations afterwards took place between Lord Seymour, First Commissioner of Woods, and Lord Malmesbury who was one of the petitioners against the Bill. I may state that I believe both those noble Lords are quite willing to give evidence before the Committee if they desire it, and on hearing from them to that effect they will be prepared to apply for permission to do so.

Lord Estington.

54. Was the Act of 1851 held at the time to be a private Act or a hybrid Act?—A hybrid Act, a hybrid Bill, as the Committee are aware, has to go through all the forms of a public Bill, and also to go before a Select Committee; there is much more investigation in the case of a hybrid Bill than in the case of either a public Bill or a private Bill.

55. The parties aggrieved are heard by counsel?—Certainly; now Mr. Gardiner not being able to come, I hold in my hand what is a copy of an official document, that is the bill of costs by the solicitors to the Office of Woods and Forests which has been examined by the Treasury, paid, and examined by the Audit Board, and which if necessary can be laid before the House. This is a copy of it made in my office, and I have had printed extracts made for the use of the Committee of all the material parts excepting the charges, which are not, I suppose, very interesting

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to

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to the Committee. Mr. Gardiner is not able to attend, and I apprehend this will be clearly evidence of the matters which took place.

Mr. Rodwell.

56. That is the bill which they have paid;—It is the bill which they have paid. It has been examined by the Treasury and audited, and is now at the Land Revenue Record Office; it could be moved for as a public document, and could be referred to the Committee if necessary. I do not know if it would be convenient for any member of the Committee to take a printed copy while I read from the copy which I have had made (*The paper of "Extracts" was then handed round to the members of the Committee.*)

Lord Henry Scott.

57. This is "extracts from Mr. Gardiner's diary"?—It is extracts of all the material parts of the bill. If the noble Lord would like to take the bill itself he is quite welcome to it. This (*producing the copy of the bill*) is the authentic document, this printed statement is a précis of the material points of the bill.

Mr. Rodwell.

58. Is there any particular item in this bill which bears directly on this inquiry?—Yes, there are several.

Chairman.

59. Do you put in this bill of costs?—I propose to do so.

60. Is this the bill of costs of Mr. Gardiner who was solicitor to the Office of Woods and Forests in 1851?—It is a copy of the bill of costs of Messrs. Pemberton, Crawley, and Gardiner the gentlemen who were solicitors to the Office of Woods and Forests in 1851 between the dates to which that bill purports to relate, and contains all the items which are in that bill of costs.

61. What is your object in seeking to put this bill in as evidence?—I propose to show that certain negotiations took place between the representatives of the Crown and the representatives of the petitioners against the Bill of 1851, and what the result of those negotiations was; and I also propose to support that with two documents, proposals on the part of the commoners originally made, and as ultimately assented to by them. A distinct proposal was made on behalf of the commoners, that the measure should be considered as final, and the Crown left in the position of an ordinary lord of the manor.

Mr. Rodwell.

62. But whatever passed between the parties, that was embodied in the Act of Parliament?—Yes.

Chairman.

63. Are you aware that the evidence which you now propose to give, if the Committee rightly understand you, was given before the House of Lords, and that the extract was read in 1868?—I am aware that part of the evidence which I propose to give was read then; I do not think the whole of it was.

Mr. A. Brown.

64. You said that the result of the compromise was embodied in the Act. I suppose that only

Mr. A. Brown—continued.

refers to the question of the inclosure; as I understand it, the compromise, as regards withdrawing from the Act the words "beasts of chase," was not the result of the conferences you are now going to speak of?—It is not possible for me to answer the question without referring to the documents.

Sir Charles Dilke.

65. You have, I presume, read the answer to Question 1076, in the evidence of the Committee of 1868?—Yes.

Mr. A. Brown.

66. You have answered the honourable Member Mr. Rodwell, in a way certainly, conveying to my mind that that compromise, as regards the beasts of chase as well as the compromise as to the inclosure, was agreed to by the commoners?—By the petitioners against the Bill. The answer to that Question 1076 in the evidence of 1868, is very incomplete.

Chairman.

67. Will you take this bill of costs, and state to the Committee the evidence afforded by that bill in its several stages, of the arrangement which you assert to have been made between the petitioners and the Crown?—On July 3rd, the item is this: "Attending Mr. Coxwell, the solicitor of the petitioners against the Bill, on his desiring to have some confidential communication with us with the view of seeing whether some agreement might not be come to, so as to obviate all further opposition, he talked of 4,000 acres as a compensation for the right of deer; but we told him it was entirely out of the question; that the right of soil alone would entitle the Crown to a larger allotment; the question was discussed at great length; Mr. Coxwell said our statements had shaken his former impression on the subject, and that he would see Mr. Compton with the view of having a meeting fixed with Lord Seymour; engaged three hours. July 4th, attending Lord Seymour, informing him of the expense which would be incurred in procuring copy of the evidence from the Committee clerk, and requesting his Lordship's instructions, when he said he would inquire into the matter. July 5th." (This is material.) "Attending Lord Seymour at the Office of Woods, conferring on a memorandum received by his Lordship from Lord Malmesbury, and advising thereon; and his Lordship said he would write to Lord Malmesbury to know with whom we were to communicate, and we left the original memorandum with Mr. Philipps, that he might have a copy made and sent to us for our guidance in the matter. July 8th, attending Mr. Coxwell in long conference on amendments suggested by Lord Malmesbury, the Duke of Buccleuch, and others, in this Bill to constitute a court to hear and decide on claims of the commoners, when it seemed to us that the Bill as so altered, could not pass the Standing Orders of the Lords. Attending Mr. Coxwell again, after he had seen Lord Malmesbury, who told him Lord Redesdale was of opinion that if the amendments were made, and the opposition withdrawn, there would be no difficulty in getting the Bill proceeded with in the Lords. Attending Lord Seymour, reporting the matter to his Lordship, who authorised us to see Lord Malmesbury and Mr. Coxwell again this

Chairman—continued.

this afternoon, and endeavour to come to some understanding with them. Attending Lord Malmesbury and Mr. Coxwell in Whitehall Gardens, fully discussing the whole matter." (Now, this is perhaps the most material item.) "When his Lordship said he would see Lord Seymour to-morrow with the view of settling quantity clauses, to be inserted thereafter for constituting local tribunal to hear, investigate, and determine rights of common, the expense to be paid by sale of outlying portions of the Forest, verderers, and a barrister nominated by the Crown, to be the court to determine common rights, extent of each enclosure to be limited so as not to be less than the same quantity to be agreed upon. His Lordship waived any restriction as regarded trees to be planted, waived all mention of finality, also waived any restriction as to Crown's rights other than right of deer, in respect of which compensation was to be made, and we were to see Lord Seymour as soon after to-morrow as we could do, with the view of getting instructions for our guidance as to clauses." Now, with regard to that waiver of finality, I hold in my hand the original memorandum endorsed in Mr. Gardiner's own writing, which I know: "Memorandum received from Mr. Coxwell, 8th July 1851." That memorandum is to this effect: "Points to be considered before the question of quantity of land is entered upon—1st. That the measure is to be final, and to leave the Crown simply in the same situation as a lord of the manor in the event of any enclosure at any future time." Then it goes on to other matters; and, among other things, stipulates that no inclosure should be less than 400 acres. "By this means we should prevent the inclosing of all the good land, without any bad land." And then it contains stipulations as to inquiring as to rights of common. That I consider to be the finality which Mr. Gardiner states that Lord Malmesbury waived at the meeting on the 8th. Then the entry in the bill of costs on July 9th is, "Attending Lord Seymour at the Office of Woods, when his Lordship said that he had settled with Lord Malmesbury that the Crown allotment should be reduced from 14,000 to 10,000 acres, that the new inclosure should not be less than 300 acres each, and that clauses for settling the rights of common must be prepared and introduced into the Bill. July 12th. Attending Mr. Compton and Mr. Castleman, conferring on the amendments proposed and the principle on which they should be framed, but we objected to prepare the proposed declaratory clause that 60 years should constitute a title to a right of common, and submitted that it should be prepared by them and be proposed to the Committee by them." Now that item is the reason which I had for stating, on Friday, that although there was no clause in the Act of 1851 declaring that rights of common exercised since 1800 should be valid, and that clause was only introduced into the subsequent Act of 1854, still the acquiescence of the Crown in such a clause was substantially part of the arrangement effected of 1851. It is quite clear that then Mr. Gardiner assented to the principle of it, but merely said that he thought such a clause ought to be prepared by the commoners rather than by the Crown; but no such clause was in the Bill of 1851. Then the entry proceeds: "Attending Mr. Coxwell,

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Chairman—continued.

afterwards conferring on preparation of clauses and proposed meeting at Mr. Phinn's chambers, to-morrow, which he assented to. Attending Lord Seymour, reporting what had passed with Mr. Compton, Mr. Castleman, and Mr. Coxwell, and the plan proposed for preparing and settling the clauses which his Lordship assented to." Then I have a further memorandum, dated the 11th of July 1851: "Sketch of amendments suggested, with the view to carry out the wishes of Lord Malmesbury and other landowners, as signified to Lord Seymour on the 9th July 1851," which has this endorsement, also, as I know, in Mr. Gardiner's handwriting. "11th July 1851. Perused and approved by Lord Seymour, subject to clauses being added declaratory of the number of years user to constitute a right of common, and a clause declaring that the extent of inclosure of the 10,000 acres should not be less than 300 acres in any one case." Now, here is that memorandum, and the Committee will find that the first stipulation, which was that the measure should be final, and that the Crown was to be left in the position of lord of the manor, does not appear in the second memorandum.

Lord Henry Scott.

68. That, I think, was after the words "other beasts of chase" had been struck out of the Bill?—It was subsequently.

69. When were the words "other beasts of chase" struck out?—The words "other beasts of forest or chase" were struck out on the 26th of June. The petitioners, following the usual practice, as honourable Members are aware, the preamble having been declared to be proved on the 25th of June, intimated their intention of not appearing again, but resuming their objection to the Bill for the House of Lords; and at the meeting on the 26th of June, it does not appear that the petitioners were represented by counsel, and it was on that day that, at the request of Mr. Alexander, the words, "other beasts of the forest or chase" were struck out. He says, "We propose to strike out the words, 'and other beasts of the forest or chase,' the intention being only to destroy the deer, and it being held by the old writers that hares and foxes are beasts of forest and chase, there is no desire to destroy them."

70. You said, did you not, that the commoners were not represented when those words, "and other beasts of forest," were struck out?—I said that the petitioners' counsel were not present when those words were struck out. On the previous day, Mr. Johnson, who was the junior counsel for the petitioners against the Bill, said after the Committee had decided that the preamble was proved, "I have only to say, in the absence of my learned friend, Mr. Talbot, that, representing the petitioners, we do not intend here to proceed any further in our opposition, which we shall reserve for another place. Therefore the Committee will pass the Bill precisely in such form as they shall think proper." That was on the 25th of June. Then afterwards, notwithstanding Mr. Gardner's evidence, the effect of which was controverted at the time by Mr. Talbot, as the Committee will see by the papers before them, they make a distinct proposal that the measure shall be final, and leave the Crown in the position of an ordinary lord of the manor. That is objected to, and is waived according to the

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Mr. *Lord Henry Scott*—continued.
H. Watson. the entries which I have read by the representa-
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Chairman.

71. Now, will you proceed to state the constitution of the Commissioners?—If the Committee will allow me, there is another document that I have here. I will state all I know about it, and they will then judge whether it is desirable that they should see it or not. This is a paper given by Lord Seymour to Mr. Gore, after his meeting with Lord Malmesbury on the 9th of July, in which at the time Mr. Gore made certain alterations in pencil which for preservation he afterwards wrote over in ink, which he will state, if necessary, to the Committee, and that paper is as it was then exactly; but both Mr. Gore and Lord Seymour are alive, and possibly the Committee may think that that document is hardly within the rule as to an official document like the bill of costs.

72. I think that we had better call Mr. Gore on the subject, if we desire that information?—I have asked Mr. Gore about it, and he has no recollection, except that Lord Seymour gave him this paper; it is clearly not legal evidence for me to produce.

73. You have now arrived at the end of all the negotiations under which the Act of 1851 was settled?—Before I leave the question about the lord of the manor, I would just make, subject to the approval of the Committee, this single remark, that to say that the interest of anybody is that of a lord of the manor is to give the most vague and unsatisfactory description that can be given, because the interest of a lord of the manor in a waste has varied considerably; in some cases the lord of the manor has received a very much larger proportion than in others. Now that Act was passed in 1851. The complaints against the Act on the part of the petitioners, whose petition has been referred to this Committee, I believe, are two; first that its effect is injurious to them, and was unforeseen at the time it was passed, as regards the condition of the lands when thrown out, which have been enclosed under its provisions; and secondly, that it is injurious to them inasmuch as their right still is only for six months, as it had been previously since the Act of William the Third was passed, instead of becoming, as I ventured to submit on Friday it would become, a new right for 12 months in the year. Those, I believe, are the two complaints against the Act of 1851. As to the first complaint, I will just repeat that no inclosure at all which was made under that Act has yet been thrown out; the petitioners have no ground of complaint as to anything which has been done under the operation of that Act. Then what grounds of complaint have they irrespective of the operation of that Act of Parliament. All that has been done has been done under the Act of William the Third. A Return has been laid before the House of Commons as to the inclosures made and thrown out under the Act of William the Third; it is No. 430, of Session 1867. Now I will just read to the Committee the particulars. There is one inclosure of 80 acres, made in 1700, date of disinclousure not known. There were also inclosures made in 1700, the date of the disinclousure not being known, one of 56, one of 90, one of 140, one of 124, one of 176, one of 299, and one of 57 acres.

Chairman—continued.

Then in 1756 there were these inclosures made: one of 102 acres 2 roods, one of 33 acres 3 roods 8 perches, one of 94 acres 22 perches, the date of disinclousure not being known. Then, in 1775, there were these inclosures: one of 78 acres 2 roods 38 perches, disincloused in 1829; one of 248 acres 1 rood 1 perch; one of 121 acres 1 rood 18 perches; one of 249 acres 2 roods 31 perches; the last three being disincloused in 1815. There was thrown out in 1829, 74 acres, 2 roods, 27 perches; and 289 acres, 27 perches; 145 acres, three roods, also thrown out, 1815; 500 acres thrown out in 1846; 224 acres 1 rood 29 perches thrown out in 1848; 127 acres 2 roods 27 perches thrown out in 1843, and again largely in 1851, the whole throwing out ending with a great disinclousure which took place in the spring of 1851, under the authority of the Warrant issued by the Treasury in the month of December 1850.

Mr. Rodwell.

74. Anterior to the passing of this Act?—Anterior to the passing of this Act. Therefore I am not aware that the petitioners have any better means of telling now what the effect of this inclosure will be on their pasturage than they had at the time of the passing of the Act. Subsequent to the passing of the Act of 1851 the Committee may think it not immaterial to see what has been the conduct of the parties under the Act. Have they acted as if they thought that they had for the first time got rights of common for 12 months in the year? Did they, when they found out their mistake, and that the law was otherwise, complain to the proper authorities, and failing in getting redress from them within a reasonable period, did they apply to the Legislature for redress on the ground that the Act was passed under a mistake? Those are the three material points, I venture to think. Now what is the first proceeding. In the month of April 1852 there was a drift of the forest; I should mention during the time of the winter heyning, in the first winter after the Act passed, in February 1852 there was a drift by order of the verderers.

Mr. Biddulph.

75. What is a "drift"?—Driving the forest and clearing it of all cattle, not merely the cattle which are trespassing, but of all cattle, because it was not the proper season. Now in the month of February 1852, the verderers, who are officers chosen by freeholders of the county of Southampton, and whose duty it is to protect the rights of the commoners as well as those of the Crown, ordered a drift, clearly acting under the impression that the Act of 1851 had made no alteration in the old law, that is, that rights of common in the New Forest continued to be exercisable only during six months in the year; and I may interpose an observation that, although in 1868 the petitioners before the House of Lords limited their objections to the continuance of the observance of fence month, and said that they did not care very much about winter heyning, I cannot possibly draw any distinction whatever between the two. The right of common is either a forestal right of common or it is not; it is either exercisable during winter heyning or not; if it is not exercisable during winter heyning it is not exercisable during fence month; there is no clause in the Act of 1851 which makes the slightest distinction

Mr. Biddulph—continued.

inction between those two periods; if it is exercisable during winter heyning it is exercisable during the whole year.

Lord Henry Scott.

76. Is it not the fact, that there is a special Act which deals with winter heyning, and no special Act at all which deals with fence month?—The forest law deals with fence month, and there is a special Act of Parliament, the 59th of Geo. 3, which deals with winter heyning. The Act of Will. 3 declares expressly that there is no right of common either in fence month or winter heyning.

77. The fence month is the subject of a forest law, and winter heyning is the subject of a special Act of Parliament?—They are both forest laws declared by Statute. If my opinion is asked, I apprehend that they are clearly both forestal in their character; that the right of common is itself a forestal right of common exercisable for certain periods of the year, which do not include two periods, winter heyning and fence month; and that the observance of those is declared by the Act of Will. 3. I read on Friday the provisions of that Act of Parliament. There is an express Statute as to both, and I apprehend that that Statute is declaratory of the forest law.

Mr. Cowper-Temple.

78. Do you find winter heyning in Manwood?—I believe Holyrood day is "mentioned," which is prior to the commencement of winter heyning. I am not aware that the expression occurs in terms in Manwood.

Lord Eslington.

79. Is it incumbent upon the verderers, so far to protect the rights of the Crown, as to enforce the observance of winter heyning upon the commoners?—I should not like to offer any opinion as to the duties of the verderers; they are independent officers having judicial functions to discharge, and I think it would be very unbecoming of me to express an opinion as to their duties.

80. You have told us the verderers are bound to protect the interests of the Crown?—I say they do protect the interests of the Crown.

81. I want to know to what extent?—I think that the clerk to the verderers would be the proper person to ask that question of. I should not like to define the duties of the verderers. Then there having been a drift in the month of February 1852, by the direction of the verderers, on the 7th of April 1852 Mr. Cumberbatch, the deputy surveyor of the forest, sent to Mr. Kennedy, then Commissioner of the forest, a memorial, with this letter:—"I have the honour to transmit herewith a petition from certain freeholders and copyholders residing in the neighbourhood of the New Forest, praying to be allowed to turn out their ponies and cows on the 12th instant," that is on the 12th of April, and it is during the time of winter heyning. "It appears to me that this might be allowed without prejudice to the right of the Crown to exclude all cattle until the 4th of May; and if so, I beg to suggest that the petition should be granted. I have the honour to be, Sir, your most obedient Servant, L. H. Cumberbatch." This is the Petition:—"To the Honourable the

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Lord Eslington—continued.

Commissioners and Verderers of Her Majesty's New Forest. The humble Petition of the undersigned free and copyholders residing in the neighbourhood of the New Forest, Sheweth, That your petitioners having for many years enjoyed the privilege, through the kindness of the late Lord Wardens, of turning their ponies into the forest on the 1st day of March, beg leave, with the greatest respect, to solicit your kind permission, as verderers of the said forest, to be allowed to turn out our ponies on the 12th day of April next; the keeping them in after that period deprives your petitioners of the greater portion of their crop. Your petitioners therefore humbly pray that you will be pleased to take their case into your earliest consideration. And your petitioners, as in duty bound, will ever feel thankful: And your petitioners further request that they may have the same privilege for their cows, having hitherto been allowed to send them into the forest on March 1, through the kindness of former Lord Wardens. April 1st, 1852.—*Mark Cooper, Eustace Heathcote, George Edward Eyre.*" The last being a gentleman whose name we are very familiar with at the foot of Acts of Parliament, but whose name we do not so often see at the foot of petitions; that is signed also by Sir Henry Paulet, Mr. Wake, Mr. Robert Eyre, Mr. Gilbert, Mr. King, Mr. Chitty, Mr. James, and 120 others, 130 signatures altogether. I am almost forbidden to make any observation, but I cannot forbear saying, is it reasonable to suppose that 130 gentlemen who believed that they had got a right of common for 12 months in the year, would apply as an indulgence within six months of the passing of the Act for permission to do that which they had not formerly done, but had then got a right to do?

Chairman.

82. Is this document printed in the 31st Report of the Commissioners of Woods and Forests?—I do not know whether it is. Under the direction of the Commissioners of Woods and Forests, Mr. Cumberbatch sent this answer; I will either read the instructions to Mr. Cumberbatch, or the answer given by Mr. Cumberbatch to the petitioners; I think the latter is the better document to read. It is as follows: "New Park, 13 April 1852. Sir,—I have the honour to inform you that I have laid before the Commissioner in charge of Her Majesty's Woods and Forests the petition of certain freeholders and copyholders in the neighbourhood of the New Forest, headed by yourself, praying to be allowed to turn out their ponies and cows in the forest on the 12th instant, instead of on the 4th of May. The Commissioner having referred to the Act of the 9th & 10th of Will. 3, c. 36, sect. 9, and 59 Geo. 3, c. 86, sects. 1, 2, 3, 4, and 5, which clearly point out the limits within which the right of common of pasture is to be exercised, finds himself wholly precluded by the law from giving any authority such as is sought by the petitioners, no power existing in him to dispense with the operation of the Acts of the Legislature. I have the honour to be, Sir, your most obedient servant, L. H. Cumberbatch. The Rev. Mark Cooper." Then on the 2nd of August 1852, this notice (*producing a handbill*) was issued, requiring the observance of winter heyning, and pointing out that there is no right of common of pasture during that period, and that the right is

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exclusive of the fence month; I believe this notice was extensively circulated in the forest; I have not been able to find that any objection was made to that notice at all. Then in February 1856, a memorial is received from Mr. Compton to this effect: "A memorandum from the landowners and others, living in the neighbourhood of the New Forest, praying that, upon payment of a small sum, persons may be allowed to turn out horned cattle in the forest during the winter. 'Minestead Parsonage, Lyndhurst, 6th February 1856. Gentlemen,—I have the honour to enclose for your consideration a memorial from landowners and others living in the neighbourhood of the New Forest, praying that, upon payment of a small sum, persons may be allowed to turn out horned cattle in the forest during the winter. Many more signatures might have been obtained, but it was thought that there are enough to show that the object of the memorial meets with very general approbation. It is hoped that the allowing horned cattle to be turned out in the winter, will be a very great boon to the respectable poor in the neighbourhood of the forest, as they will be able to lay up their grass land for hay much earlier than at present, and to keep a cow upon a very small plot of cultivated ground; I believe it to be the general opinion of the foresters, that the turning out cattle in the winter will improve the summer feed, as the cattle will eat the coarse grass, and also prevent the heath from encroaching on the lawns. A small payment for the privilege was proposed, in order to prevent its being claimed as a right, and this, together with the very small advantage to be gained by any except a very poor man, is expected to prevent any abuse of the privilege by those who have no forest rights. I will take care to communicate your reply to the memorialists. I have the honour to be, Gentlemen, your obedient servant, *John Compton*, Rector of Minestead. The Commissioners of Woods, &c." Now when a man asks another to accept a small payment, in order to prevent the user to be given, a permission applied for, from being turned into a right, it seems extraordinary that it should be afterwards said that the man had the right, and had no necessity to apply for permission at all. The memorial was to this effect: "We, the undersigned householders, landowners, and owners of cattle, residing in the neighbourhood of the New Forest, most respectfully beg leave to submit to your Honor the inconvenience and injuries the owners of cattle sustain through being compelled to take in their cows and heifers during the winter months, that is to say, from the 22nd day of November, till the 4th day of May. Your petitioners most respectfully beg leave to express their belief that the cattle, instead of being injurious, would prove highly beneficial to the soil and produce of the New Forest; and your petitioners further beg leave to intimate to your Honor their willingness to pay a moderate sum per head for the privilege of turning out their cows and heifers during the winter months, which would not only be an advantage to them, but productive of considerable revenue to the Board of Woods and Forests. Your petitioners therefore humbly solicit your Honor to take their case into consideration and grant them their request; and your petitioners, as in duty bound, will ever pray." That is signed by upwards of 100 people

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including the names of the same gentleman, Mr. George Edward Eyre, and Mr. W. Hans Sloane Stanley, who, I believe, is a verderer of the Forest now.

83. Were those persons who requested permission to turn out cattle, commoners?—Many of them were.

84. Is this a petition of commoners, or the inhabitants?—The petition purports to be from "householders, landholders, and owners of cattle."

Lord Henry Scott.

85. Not commoners?—They are, as a matter of fact, commoners, many of them. Then it was referred to the Solicitor to the Royal Forests, Mr. Gardiner, who submitted this to Mr. Willes, then the common law counsel to the Office of Woods; and I hold in my hand a copy of Mr. Gardiner's report, which embodies Mr. Willes' opinion. The opinion is to this effect: "The Statute 59 Geo. 3, c. 86, declares it to be injurious and illegal to allow beasts to pasture in the forest during the winter heyning, and imposes penalties on the owners of the beasts found in the forest in that season. The Commissioners of Woods and Forests have the management of the Royal Forests; but that does not, I think, give them power to dispense with the provisions of the Statute above referred to. There is nothing in the 10 Geo. 4, c. 50, which would authorise a grant or demise for any period, even for a day, of such a privilege as that sought for. It is true the petitioners only seek for a license or permission, but it seems to me that the Commissioners cannot lawfully permit that to be done which the Legislature has deemed to be illegal. It may be objected that the rule was introduced for the benefit of the Crown, and may therefore be relaxed by the authority of the Crown "*quilibet potest renunciare juri pro se introducto*"; but to this I would answer that this is not like the case of an ordinary owner of land having the beneficial interest, for the Crown only holds the land for public purposes, and subject to the rules made by Parliament as to its management. The reason that objections to similar concessions and exercises of authority by the Commissioners of Woods, &c., have not been much dwelt upon is, that there is generally no one interested in raising the objection; but upon the question whether, in point of law, the Commissioners have any such authority, I own I do not entertain any doubt." Then, in answer to that memorial, Mr. Howard, the present Commissioner of Woods and Forests, wrote on the 1st of March 1856: "Sir,—With reference to your letter of 6th ultimo, transmitting a memorial from landowners and others, praying that, on payment of a small sum, persons may be allowed to turn out horned cattle in the New Forest during the winter, I beg leave to acquaint you that I have taken the opinion of counsel, and am advised that, as the law now stands, I have no power to comply with the prayer of the memorial forwarded by you; but if a further memorial, signed by all, or a large majority of the commoners and others interested in the rights of the commoners over the forest, were laid before me, I would again take the subject into consideration with the view of obtaining an Act of Parliament to enable me to comply with the prayer of the memorialists." The next proceeding was a memorial to the

Treasury

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Treasury in 1859. This is a memorial to the Lords Commissioners of Her Majesty's Treasury: "The humble memorial of the undersigned inhabitants of the New Forest, whose signatures are attached hereto, as representing the entire and unanimous desire and request of the population thereof, humbly pleadeth that your memorialists, in common with other inhabitants of the forest, have stock of horned cattle which graze on the savannas of the forest, and derive therefrom no inconsiderable part of their subsistence. That by a local regulation of comparatively recent date" (that would look as if the winter heyning were for the first time strictly enforced since the Act of 1851) "the liberty of grazing for such cattle has been restricted to the months May, June, July, August September, October. That the ostensible reason for this restriction was that the grass of the forest was required for the deer; but the deer having been discontinued to be reared in the forest, and being now almost entirely extinct, that reason has no longer any existence for which to debar your memorialists from so reasonable a benefit of the districts in which they dwell. Your memorialists therefore respectfully and earnestly solicit, and are sanguine of obtaining, the acquiescence of Her Majesty's present Government, that the boon may be at once conferred on them of liberty being given to turn out their horned cattle during the winter months, as well as during the summer, or failing this full acquiescence, that the only period of exclusion of the horned cattle from such grazing may be the months of March and April. Your memorialists further pray that this boon which they ask may be so granted as to take effect during this present winter; that instructions may be sent for that purpose, without delay, to the local administrators of the forest; and your memorialists will ever pray." And that was signed by a number of persons whose signatures are attached. That is answered by a letter from the Treasury, dated 19th of March 1859: "Gentlemen,—In reply to your memorial, dated the 15th of January last, praying to be allowed to turn out your horned cattle upon the New Forest during the winter season, I am directed by the Lords Commissioners of Her Majesty's Treasury to acquaint you that, although your memorial sets forth that it represents the entire and unanimous desire and request of the population of the New Forest, my Lords observe that many extensive landowners and commoners have not affixed their names to it. My Lords do not believe that it would be for the interests of the commoners generally, that the prayer of your memorial should be entertained, and as it would be detrimental to those of the Crown, they decline to disturb the settlement of the commoners' rights, as ascertained by the Commissioners acting under the Act 17 & 18 Vict. c. 49. I am, &c., *George A. Hamilton*." Then the next paper which I have to lay before the Committee is a letter from the clerk to the verderers in April 1860. This is dated "Romsey, April 14th, 1860. Sir,—The verderers having found difficulty in enforcing the proper exercise of the rights of pasturage in the New Forest to which the commoners are entitled under the late award of the Commissioners, in consequence of there being no officers legally appointed to prevent abuses in the exercise of those rights, and

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the jurisdiction of the verderers being defective for punishing many offences committed in the forest, in consequence of its being partly given under an old Act passed in the reign of Will. 3, and dispersed in other Acts, they have had a meeting on the subject, at which the resolutions I enclose were adopted, which I am desired to forward to you, and they suggest that an Act of Parliament should be obtained for remedying the evils referred to. I believe Mr. Compton intends shortly to call and confer with you on the subject, and I shall be glad also to be the means of communicating your views to the verderers. I have the honour to be, Sir, your very obedient servant, *William Stead*. The Hon. J. K. Howard." Then follow his suggestions, which are very long, and which I need not trouble the Committee with. In consequence of that representation, in the month of November 1860, Mr. Gardiner, by the direction of the Commissioners of the Royal Forests, issued notices of the intention of the Government to apply in the Session of 1861 for a Bill to regulate the rights of common, and among other things "To empower the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or one of them, to grant or authorise the granting of licenses for the depasturing or agistment of cattle in the said forest during the fence month and winter heyning upon certain terms and conditions." I hold in my hand the Bill which was brought in in pursuance of that notice by Mr. Peel and Mr. Chancellor of the Exchequer, ordered, by the House of Commons, to be printed 21st March 1861. That contains various provisions as to the exercise of the rights of pasturing, and proposes to enact that the provisions of the Act of the 59 Geo. 3, relating to cattle and beasts belonging to commoners depasturing in the forest during the winter season, or heyning time, shall extend to the fence month. Penalties were imposed by the Act of the 59 Geo. 3, as regards winter heyning, and, as the noble Lord the Member for South Hants has pointed out, that Act is limited to the winter heyning, and does not extend to the fence month. This Bill proposed to extend the penalties to the fence month, but at the same time to give the Commissioners of Woods the power to grant licenses to turn out during fence month.

Lord Eslington.

86. What became of that Bill, did it pass?—No; against that Bill this petition was presented: "The humble petition of persons being freeholders and commoners, and having a right of common and forest rights, in and over the New Forest, in the county of Southampton, sheweth, That your petitioners have exercised and are now possessed of common and forest rights, under the provisions of the Act 17 & 18 Vict. c. 49, which rights have been duly registered by the award of the Commissioners under the same Act, and the rents or forest dues your petitioners pay to the Crown are in the same award set out and fixed for the exercise of such rights, which rents and dues your petitioners humbly submit are at an ascertained fixed chief rent, founded upon custom beyond the memory of man. That your petitioners view with great alarm the provisions of the Bill now before your Honourable House, relative to Forest rights; wherein it is proposed there shall be paid by the commoners to the Crown the sum of 1 s. 6 d. for each beast, 3 d. per head

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head for sheep, and the sum of 6 *d.* for every pig to be depastured on the forest, which sums your petitioners humbly submit will be an augmentation of these forest dues. That your petitioners feel that if your Honourable House should pass the present Bill, the sums now sought to be charged therein upon your petitioners, may by any subsequent Act of your Honourable House be increased tenfold or more, which may in effect render the rights now enjoyed by your petitioners of no value whatever. That your petitioners, from the fact of the deer being destroyed or removed from the New Forest, and consequently the time of heyning season and fence month not now being required to be kept up, feel it would be a great boon to your petitioners, and no detriment to the interests of the Crown, if your petitioners were allowed to turn out cattle during the winter heyning season and fence months. That your petitioners feel the imposition of a tax for a license to turn out cattle during the fence month may act greatly to the prejudice of your petitioners, inasmuch as such license may be exacting and arbitrary in its nature, that your petitioners could not avail themselves of it." After that, negotiations took place between Mr. Gardiner, the solicitor to the Office of Woods, and Lord Malmesbury, Mr. Mills, Mr. Compton, and several others of the large landowners, and the result is stated in this letter from Mr. Gardiner to the Honourable James Howard, dated 16th May 1861: "Sir,—I this day, as requested by the verderers, attended a meeting held at 18A, Duke-street, Manchester-square, of commoners and others interested in this measure. There were present the Earl of Malmesbury, Mr. Compton, Mr. Mills, Mr. Drummond, Mr. Webb (on behalf of Lord Normanton), Mr. Nicholl (on behalf of the Duke of Buccleuch), Mr. Morant, Mr. Johns (an attorney of Ringwood), Mr. Eyre, Mr. Bowdon Smith, Mr. Stead, Mr. Cumberbatch, Mr. Rigen (a surveyor of Salisbury), and several others whose names I did not know. Lord Malmesbury, who remained only a short time, said he considered the Bill very arbitrary, and that the onus would lie upon the Crown to show it was not. I replied that his Lordship was evidently not aware that the Bill did not emanate from the Crown, but from some of the largest commoners, and that if the commoners did not like it, the officers of the Crown had no wish or desire to proceed with it. The proceedings were so discursive and confused that I am not able to narrate with any precision what really was done at it, but I think the wish of Mr. Johns and the persons whom he represented was, that the verderers should appoint and pay the agisters, out of a fund to be provided for that purpose by agistment fees, in respect of beasts, &c., turned in, to be fixed by the verderers at such amounts as they might, from time to time, find necessary. That the fines to be levied by the verderers should be modified, so as not to exceed certain specified amounts. That a definite sum should be paid to the Crown for the right to turn in during the fence month; and that all persons entitled to common of pasture and turning in before the fence month should be entitled to turn in, and should be liable to make such payments, coupled with a declaration that such payments should, in the event of an inclosure, absolutely cease; and that for the purposes of such inclosure the rights of

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the Crown and commoners should revive, and be in full force again, as if the proposed Act had never passed. Mr. Webb, Mr. Johns, and Mr. Nicholl were appointed a committee to go through the Bill, and to amend it according to what passed at the meeting, in order that the Bill, so amended, might be submitted to you for your consideration, before the committee met. I stated to the meeting repeatedly that I had no authority whatever to bind or commit the Crown to anything. I also stated that I should not recommend any concession to be made which might have the effect of substantially altering the clauses as they now stand with regard to the fence month. The meeting lasted between three and four hours." Then there is a report by Mr. Cumberbatch, addressed to Mr. Howard, on the 10th of June 1861, as to a meeting in the New Forest on the subject of the Bill, in which Mr. Compton was in the chair. "Sir,—I have the honour to inform you that a meeting of the commoners was held at the Crown Inn, at Lyndhurst to-day, for the purpose of further considering the New Forest Bill. There were present, Mr. Compton, in the chair, Sir Edward Hulse and Mr. Drummond; late in the day, Mr. H. Compton, Mr. N. B. Smith, Mr. R. B. Smith, Mr. Graham, Mr. Nicholl, Mr. Webb, Mr. Johns, Mr. Waterfield, and about 25 other small commoners. Mr. Compton spoke in favour of the Bill, and thought that for the interests of the commoners it should pass. Mr. Waterfield (a small commoner at Lyndhurst) thought the Bill arbitrary, unjust, and uncalled for, and that the agisters would be a nuisance. Mr. Webb recounted what had been done hitherto about the Bill at the meetings in London, and at the Office of Woods on the 27th May. Mr. Johns objected to the Bill on all its main points; to the Commissioners of Woods appointing agisters, to payments of agistment fees as tending to diminish the rights of the commoners in case of enclosure of the Forest, and to the licenses in fence month, which would put it in the power of the Crown officer to charge an unlimited sum for the license. He concluded by handing in a resolution which, after some modification, was proposed by Mr. A. B. Smith, and seconded by Mr. Tate, a Lyndhurst commoner. It was to the effect that the Bill was not acceptable to the commoners, and requesting you to withdraw it. Mr. Stead then spoke for and Mr. Johns against the Bill. The resolution was carried unanimously. Mr. Compton said he believed the Crown were anxious to withdraw the Bill; Mr. Webb said that there were two classes who abused the Forest rights; those who had no right, and those who turned in more animals than they had a right to turn in; but he believed that there existed sufficient power under the Act of 59 Geo. 3. c. 86, to prevent those abuses; and he proposed a resolution to the effect that you should be requested to desire the regarers, groom-keepers, foresters, and under foresters, and other officers of the forest, strictly to enforce the provisions of that Act. After a vote of thanks to Mr. Compton, the meeting separated. It was agreed that the proceeding should be published in the "Times," and four local papers. The resolutions will be sent to you by Mr. Stead." On looking through the report of those proceedings, I do not see one syllable by way of complaint, that these gentlemen thought they had

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had got those rights, or that they were deprived of anything which they expected to have got under the Act of 1851. Then on the 10th of June 1861, Mr. Stead, the clerk to the verderers, wrote to Mr. Howard, the Commissioner in charge of the forest: "I beg leave to send you a copy of the resolution come to respecting this Bill, at a meeting of the commoners held at Lyndhurst this day, and of another resolution, soliciting you to put the Act of 59 Geo. 3, c. 86, regulating forest rights of pasturage, into immediate operation. I am, sir, your very obedient servant, William Stead." "At a numerous meeting of the commoners of the New Forest, held at Lyndhurst, the 10th day of June 1861, Henry Combe Compton, Esq., in the chair, it was moved and seconded, that the meeting considers that the Bill now before the House of Commons, and intituled, 'A Bill for the Regulation of the Exercise of Common and other Rights in the New Forest, in the county of Southampton,' is not, in its present form, acceptable to the commoners, and respectfully request the verderers to communicate this expression of feeling to the Commissioner in charge, and request that the Bill may be withdrawn. It was also moved and seconded, that the Commissioner in charge be respectfully requested to give orders to the regards, groomkeepers, foresters, under-foresters, and other officers of the New Forest, to take proper steps to enforce the provisions of the Act of 59, Geo. 3, c. 86, for regulating the exercise of the rights of common of pasture in the New Forest"; those provisions including most stringent provisions and penalties for enforcing the observance of winter heyning.

Lord *Henry Scott*.

87. They contain provisions, do they not, for the drift of cattle belonging to foreigners out of the forest?—Some provisions; on the 18th June 1861, Mr. Howard wrote to Mr. Stead, announcing his decision on the representation which had been made by the commoners at that meeting in reference to the Bill of 1861; and Mr. Howard says: "Sir,—I have to acknowledge the receipt of your letter of the 10th of this month, enclosing a copy of two resolutions passed at a meeting of the commoners of the New Forest held on the same day, which I presume you forward to me by the direction of the verderers. With regard to the first of these resolutions, which is to the effect 'That the meeting considers that the Bill now before the House of Commons, and intituled, 'A Bill for the Regulation of the Exercise of Common and other Rights in the New Forest, in the county of Southampton,' is not, in the present form, acceptable to the commoners, and request the verderers to communicate this expression of feeling to the Commissioner in charge, and request that the Bill may be withdrawn.' I have to acquaint you in reply, that it is not my intention to proceed further with this measure. The Bill was prepared and introduced at the request of several persons largely interested in common rights, not for the advantage of the Crown, but for what they believed to be for the benefit of the commoners; and if it is not acceptable to the commoners, I can have no motive for proceeding with it. It must, however, be distinctly understood, that the concessions on the part of the Crown contained in it are withdrawn, and will not be again offered. With regard to the second resolution, which is to 0.100.

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the effect that the Commissioner in charge be respectfully requested to give orders to the regards, groomkeepers, foresters, under-foresters, and other officers of the New Forest, to take proper steps to enforce the provisions of the Act of 59 Geo. 3, c. 86, for regulating the exercise of the rights of common of pasture in the New Forest, I have to observe that if any officers of the forest neglect their duties, the commoners have full powers to protect their own interests by means of the Court of Verderers; and I should not consider myself warranted in recommending any expense to be incurred, on behalf of the Crown or the public, for the purpose of enforcing the provisions of the Act of 59 Geo. 3, c. 86, in this respect; should any of the rights of the Crown be infringed, either in relation to the winter heyning or to the fence month, or otherwise, the remedies provided by that statute, and also those provided by the common law, can of course be resorted to for the vindication and protection of the rights of the Crown. I have to request that the verderers will be good enough to communicate this letter to the commoners who passed the resolutions, and that the same publicity may be given to it as may have been, or may be given, to the resolutions themselves." Then there is a letter from Mr. Stead, the clerk to the verderers, addressed to Mr. Howard: "Romsey, 25th June 1861. Sir,—I had the honour of laying your letter to me of the 18th instant before the verderers at the Attachment Court at Lyndhurst on the 22nd instant, and I have communicated the same to some of the principal commoners, and received the directions of the verderers to give it the same publicity by advertisement in the newspapers as was given to the resolutions themselves." I cannot find that one word of objection was made to the statements in Mr. Howard's letter. Then complaints were made in 1865 as to danger which might arise in consequence of the prevalence of the cattle plague, and there were representations of the expediency of having a drift of the Forest during the winter hayning season then, and I hold in my hand, and will put in, a copy of notice then approved by the Commissioner in charge of the forest. "V.R. New Forest. Notice respecting the Winter Heyning with reference to the Cattle Plague. Notice is hereby given, that the Commissioner in charge of Her Majesty's New Forest, by and with the advice of the verderers, the regards, and other officers of the said Forest, has decided that the Act of Parliament 59 Geo. 3, c. 86, shall for this season be strictly enforced, and has issued instructions to the regards, the keepers, the foresters and under foresters, and other officers of the said Forest, to seize any horse, mare, or gelding, or any other cattle or beast having or not having, or being entitled to rights of common of pasture on the said Forest, found depasturing thereon between the 22nd day of November 1865 and the 4th day of May 1866. This step has been taken by the Commissioner on behalf of Her Majesty in consequence of the continued spread of the cattle plague throughout England, in the hope that in the event of that fearful pest reaching any farm or farms within the New Forest it may be prevented from being communicated to other farms by the inter-commonage of cattle or beasts. Notice is further given, that in accordance with the above mentioned decision, all and every permission or permissions which may have been given to turn cattle or other beasts

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beasts upon the property of the Crown during the winter heyning time, for the purpose of obtaining water, are hereby withdrawn, and no person or persons will after the date hereof be permitted to drive cattle or other beasts over any part of Her Majesty's property except such person or persons possess a right of way for cattle or other beasts. And the commoners and other persons interested are hereby called upon and earnestly requested by the Commissioner to aid and assist by every means in their power in the enforcing of this salutary measure taken by him under the advice of the verderers, the regaders, and other officers of the New Forest. The above instructions will not be put into full force until the 1st day of January 1866." Before that notice was given, my predecessor thought it right to consult Mr. Stead as to the propriety of issuing it at so short notice, having regard to any usage which had taken place on the part of the poorer inhabitants who had been in the habit of turning their cattle out at that time, and this is the reply: "Romsey, 18th December 1865. Dear Sir,—In reply to your letter of yesterday's date, I have to inform you, that at the Verderer's Court, held at Lyndhurst on the 12th instant, Mr. Cumberbatch brought before the verderers a communication from Mr. Howard relative to the prevention of the cattle plague in the New Forest, by compelling the observance of the winter heyning during the present season. The verderers sanctioned the course proposed, and approved of the form of an advertisement to be printed and circulated, which Mr. Cumberbatch had prepared and read to the meeting. You will perceive, therefore, that the verderers quite concur in Mr. Howard's views on the subject. I must inform you, however, that practically the period of the winter heyning has been so completely enforced in the forest since the awards of the Commissioners, that there really are no cattle or horses in the forest during that season, with the exception, perhaps, of a few cows out for a short time just opposite the home-steads of the commoners. A complete clearance would therefore cause very little hardship, and it may be effected by the keepers acting under the Pasturage Act, 59 Geo. 3, c. 86. I may add, that it is satisfactory to find that no cases of the cattle plague have yet appeared in the New Forest. I am, dear Sir, yours truly, William Stead. J. Gardiner, Esq." That completes, as far as I am aware, a statement of all the representations made as to the operation of the Act of 1851, down to the year 1867, when various petitions were presented to the House of Lords by commoners, containing, I think, 754 signatures altogether, which resulted in the appointment of a Committee of the House of Lords in 1868. Now, upon the Act of 1851 I have to remark, that whatever may have been the character of the rolling powers originally under the Act of William the 3rd, there is clearly a new departure in the Act of 1851, because that authorises, under sections 3 and 5, further enclosures under the Act of William the 3rd, in a manner which could only be accounted for under the assumption, as I venture to think, that the original power was one of a rolling nature, as seems to have been conceded before the Committee of 1851. Under the Act of 1851, the Commissioners appointed, holding office at the present time, are these: two Commissioners of Woods, Sir Edward Hulse, Sir

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Henry Charles Paulet, Mr. John Morant, Mr. William Hans Sloane Stanley, Mr. George Edward Eyre, Mr. W. Duckworth, Mr. H. Compton, Mr. Esdaile, Mr. Castleman, and Mr. Cumberbatch. Of these, I believe, seven are commoners of the New Forest themselves, and nine are magistrates for the county of Hants; four of them are verderers for the forest.

Chairman.

88. Have not three of those died?—I am not aware; I believe they are all living.

Lord Eslington.

89. As vacancies occur by death, I presume they can be filled up?—They can, if necessary.

90. By the remaining commissioners; or who fills them up?—There is no difficulty about filling up vacancies.

91. But I want to know, as a matter of fact, how they are filled up?—Perhaps you will ask Mr. Cumberbatch that question. Then I come to the Crown Lands Act of 1866. That proceeded on a Bill introduced by the Government for various purposes relating to the management of the Crown property, which I need not enter into; but it contained two clauses which purported to give the Commissioners of Woods powers to grant leases, with the right of shooting over the New Forest. The right vested in the Crown, under the Act of 1851, was to have licenses granted by Her Majesty; and it was thought that, instead of that, the right should be granted by the Commissioners of Woods. On the Bill going into the House of Lords petitions were presented against the Bill, and the Bill was referred to a Select Committee; but before the Committee met, and therefore before any evidence was taken, negotiations were entered into which resulted in the power of granting leases being altered into a power of granting licenses by the Commissioners of Woods; and the Bill containing the clauses enabling the Commissioners of Woods to grant licenses instead of Her Majesty was adopted. I may just say that, in introducing the Bill, if I remember rightly, Mr. Gladstone said, that the surrender by Her Majesty of the right of granting licenses to shoot in the New Forest for the benefit of the public, was one of the considerations on which the Bill was framed, which secured certain rights to Her Majesty in regard to Claremont, and otherwise. The Act, as passed, authorises the Commissioners of Woods to grant licenses to sport; and that power has been exercised.

92. It was at that time, I think, that the charge made for licenses was raised from 1*l.* to 20*l.*?—It was; the revenue to be derived from what was originally a power of leasing, which was converted into a power of licensing, was put before the House of Commons, unless my memory deceives me, by Mr. Gladstone, as one of the necessary conditions under which the Bill was sanctioned by the Government.

Mr. Couper-Temple.

93. Was the power to grant licenses created at that time, or had it existed before?—There were concurrent powers previously to that time, one in the Commissioners of Woods under the 10 Geo. 4; another, which had been treated as superseding the original powers of the Commissioners

of

Mr. *Cowper-Temple*—continued.

of Woods, in Her Majesty, under the Act of 1851.

Lord *Eslington*.

94. Perhaps it would be convenient if you could tell us whether now previously to this change in the mode of granting licenses, the licenses were granted to privileged persons, or whether they were granted to any person who applied; or what was the rule regulating the former distribution of licenses?—I do not think there was any stringent rule about granting them; it was before I was solicitor to the Forests Department, and I do not think there was any fixed rule on the subject.

95. You cannot speak positively on that point?—No; in 1866 another Act was passed, c. 62, for dividing the New Forest into parishes and districts, for the purpose of poor relief. Then comes the evidence before the House of Lords in 1868. I wish to draw attention to the fact that in the Paper which was submitted to the Committee of 1868, it is alleged on behalf of the commoners that the power of inclosure is a rolling power, because it is said that the result of the exercise of it would be to make the forest one great wood. Now of course that could not be done unless it extended over the whole of the forest. Then in 1871 a Bill was brought in by the Government for the disafforestation of the New Forest. Petitions were presented against that Bill, and it was not read a second time; it was withdrawn. Another Bill was proposed to be brought in, and was deposited, at all events, by certain gentlemen in the New Forest, which also was not proceeded with.

Lord *Henry Scott*.

96. Are you certain as to that fact, that the Bill was deposited?—I have it here.

97. By deposited you mean deposited in the House?—That is all; I have it here.

Mr. *Cowper-Temple*.

98. Have you only a draft, or have you what was deposited in the Private Bill Office?—I believe this is what was deposited in the Private Bill Office.

99. You are not speaking now of your own knowledge, but merely on supposition?—I am not speaking now of my own knowledge, but this is the Bill. On the 20th of June 1871, this Resolution was passed by the House of Commons on the proposal of the honourable gentleman now Member for Hackney, then Member for Brighton, Mr. Fawcett: "Resolved, that in the opinion of this House, pending legislation on the New Forest, no felling of ornamental timber, and no fresh inclosures should be permitted in the New Forest, and that no timber whatever should be cut, except for the purposes of thinning the young plantations, executing necessary repairs in the forest, and satisfying the fuel rights of the commoners." Those fuel rights involve the providing of about 380 loads of timber a year, and to provide those, it is necessary to cut down somewhere about 330 trees a year; therefore the only process, except for the purpose of thinning and repairs which, under the Resolution of the House of Commons, ought to be continued, is the cutting down of trees for the satisfying of the fuel rights of commoners, involving the cutting down of about 330 trees a year; that, of course, would depend upon the size of the trees.

Q. 100.

Lord *Eslington*.

100. Would you kindly tell us, are those fuel rights absolute rights, or are they accompanied by any charge for the fuel furnished; are they absolute rights in fuel that can be claimed without charge?—They are, in fact, rights which are defined in the decision of the Commissioners, and have exactly the character which is there mentioned. In some cases there are payments to be made for the right, but those are perpetual payments. Notices were given in 1871 of a further Bill, and a correspondence took place, at the beginning of 1872, between the gentlemen who had acted for certain commoners in the New Forest the previous year and myself with reference to that Bill, in order to see if any satisfactory arrangements could be come to. That did not result in any understanding, and the Bill was never proceeded with. I think that brings the history down to the present time, and therefore I should be glad now to answer any questions which the Committee may wish to put to me, and if I have not sufficient information now, I can obtain it before the next meeting of the Committee.

Mr. *Cowper-Temple*.

101. Does the 7th section of the Deer Removal Act, which saves her Majesty's rights, save all the forestal right which she possessed before the passing of the Act?—The 7th section saves all the rights of the Crown except the right to keep deer.

102. We have had a good deal of discussion about the forestal rights; I want you to tell me what words in that clause save the forestal rights, as distinguished from the other rights which it saves?—It saves all the rights which include forestal rights.

103. But you are not able to distinguish between the different rights that are maintained; or can you distinguish between the different rights that are mentioned in that section, and tell us what words apply to the forestal rights?—The clause says that "The said forest shall remain vested in Her Majesty, in like manner and to the same extent as it was before the passing of this Act."

104. Would that apply to the vesting of the soil?—Yes, certainly; it would apply to everything other than the deer, which are expressly excepted.

105. Then I understand you to say that it is quite distinct that that section of the Act does save the forestal rights?—It saves all the rights of the Crown except the right to deer.

106. Then I may take it that you mean that the forestal rights are among the rights which are saved?—The forestal rights of the Crown, except the right to deer.

Chairman.

107. Then I want to know if that clause is understood by the commoners who petitioned against the Bill, when it was first introduced, or by the counsel who represented them, to save the forestal rights of the Crown?—That question I really am wholly unable to answer, and it could only be answered by calling all the commoners, and the counsel for them before the Committee.

108. Did Mr. Gardiner state in the clearest possible terms before the Committee on the Bill, that it did not save the forestal rights. I will read you the words; in answer to Question 128, he says this: "I retain the right of soil which would

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would give the Crown, I suppose, 2-14ths, or 1-16th; 2-32rds it had before; it is a mere manorial or seigniorial right of soil; the Crown would have no other forestal right; as regards the forest, it is completely destroyed"; and then in answer to another question, he says: "The forestal right will be gone; the Crown will have its right of soil and right of timber"; and in answer to another question, he says: "I say as regards the residue, the Crown will be simply in the position of a lord of the manor, entitled to the sale of the timber"—I think Mr. Gardiner has already explained before the Committee of 1868, first of all that that had reference to a Bill in a different state from the Bill as it passed, and secondly, that he thought himself that he was going out of his province in making use of the expressions which he did in 1851.

109. Then the first thing I have to ask you is, was it possible that the Committee or the petitioners, on hearing those words from the authorised solicitor of the Woods and Forests, could have any doubt whatever that the Bill, as then drawn, did abandon the forestal rights of the Crown?—I think they must have had great doubt, because Mr. Talbot entertained exactly the contrary opinion, and controverted the result which Mr. Gardiner seemed to have arrived at; and that it was not very material seems to have been clear, because they, themselves, afterwards stipulated that the Crown should be left in the position of a lord of the manor, which would not have been necessary if Mr. Gardiner's conclusion were correct.

110. Will you state to what you are alluding in reference to Mr. Talbot; because I am not aware of the passage to which you allude?—I am reading from the shorthand notes of the discussion which then occurred; it is not in the print which you have before you.

111. Then I understand that you have no printed document that will show these expressions that you attribute to Mr. Talbot?—I have no printed document showing them, but I have that which I think is more authentic than a printed document, because it is the original transcript received from Messrs. Gurney; a printed document is only copied from those notes.

112. I will pass on to another question. When the Bill was introduced, the second clause said, "When such deer shall have been so removed, the right of Her Majesty, her heirs and successors, to keep deer and other beasts of forest or chase in the said forest, shall absolutely cease." Now you made a distinction between some forestal rights and others. Would you tell me what forestal right could continue when the right "to keep deer and other beasts of forest or chase" had ceased?—Every forest, as I read at starting, includes a chase, and a park, and a warren. Among the animals of the chase are foxes; among the beasts and fowls of warren, are hares, pheasants, and partridges.

113. Those are rights of chase, I believe, not of forest?—They are rights of forest in this sense, that when a forest is made it includes a chase and a warren, and that the chase and the warren are constituent parts of the forest; but there are beasts of forest as distinguished from beasts of chase or warren, but being part of the forest, the forest laws operate for the benefit of the whole.

114. Is it not the fact that rights of chase and

Chairman—continued.

rights of warren may exist where there is no forest?—It is so sometimes.

115. But in regard to the beasts of forest, are not the other animals, wolves, bears, and hares?—If you refer to Manwood, I think I read that every forest included a chase, a park, and a warren; the wild beasts of the forest are five, the hart, the hare, the hinde, the boare and the wolf.

116. Then was not Mr. Gardiner quite accurate when he stated that by this clause including deer and other beasts of forest or chase, the forestal rights of the Crown were then abandoned?—I think he explained in 1868 that he was not.

117. I ask you whether you, as a lawyer, can conceive any possibility of his being inaccurate in the simple statement that that clause did abandon forestal rights of the Crown?—I feel very great doubts.

118. Will you state them?—To begin with, hares are animals of the forest.

119. Then perhaps you will correctly tell us what the effect of forestal rights is; is it not the power of preventing the killing of deer in any unauthorised way by the power of the forest law? Then I want to ask whether the ordinary right which exists in every landowner to kill the hares upon his own land, and which would vest in the Sovereign as an owner of soil, could be called practically a forestal right?—The question of the right honourable gentleman seems to me to be based, if I may be allowed to say so, on such a misapprehension of the position of things in the New Forest, that I hardly know how to answer it; because the Crown in the New Forest is the owner of the freehold, subject only to certain rights of common during a limited time of the year; those rights of common during that particular time of the year are again subject to the burthen of the Crown's forestal rights; everything that the commoners have not, the Crown, as owner of the freehold, has.

120. What I meant to ask is this: when the Sovereign has abandoned the right of preserving hares under the forest law, does not the Sovereign reserve the right of coming and shooting hares as the owner of the soil under the Game Laws?—There was no abandonment of the right of preserving hares under the forest laws, because the Act by section 7 expressly said that the Forest was to remain vested in Her Majesty just as it was before the passing of the Act.

121. I thought you said just now that "beasts of forest or chase" included hares?—"Forest."

122. If the Queen, by those words, abandoned her right to keep the hares, she might still reserve the right of coursing and shooting them as she does at present, in the right of owner of the soil?—She might in that capacity, if the Bill had been passed in that state. But it was not; those words were struck out on the 26th June 1851.

123. You did not mean, I think, to question that the Sovereign in regard to the New Forest, has the same rights of the soil, such as sporting, chasing, or shooting, that any other owner of the soil has?—If the rights of forest had been abolished, the Crown, as owner of the soil, would have had the same rights as other landowners have, if that is the question that the right honourable gentleman put to me.

124. Then I want to ask whether the deer are not

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not the animals for which all the forest laws were practically intended to act?—In recent times; I should think they were the animals, not only for which the forest laws were principally enforced, but for which, possibly, the rights of common themselves existed in return for the damage done by the deer.

125. Is it not the fact, that a deer is not protected by the game laws, but only by the forest laws?—I think I have read the sections of the Act of Parliament which relate to deer which are not enactments regarding forest laws, but statute laws.

126. Then with regard to the forest laws which have been chiefly mentioned in your evidence, namely, the fence month and winter heyning, are not those rights specially intended for the protection of deer, and could they be used for the protection of any other animal?—I should have thought certainly that the reason of fence month being observed was very greatly for the protection of other animals.

127. Will you tell me whether the right of fence month is not really a right on the part of the Crown to prevent the passage of men or animals in the forest during the month when fawns are being born and lying about in a helpless state?—I believe that that is one of the objects; but the Right Honourable Member's question seems to imply that the fence month is a restriction of a right of common, whereas the real circumstance of the case, as laid down by Lord Justice Mellish, are that the existence of that right of common is only during the other periods of the year; the Crown is originally the owner of the soil; all that is not granted away to the commoners remains in the Crown; the commoners have rights during certain periods of the year which do not include the fence month; and the Crown retains the fence month as part of its original ownership of the soil.

128. Is not the fence month a creature of forest law?—Provisions are made for the observance of the fence month by the forest law, just as provisions are made for rights of common at other times of the year, the whole depending on forest law.

129. Could the right of fence month exist without forest law?—No more than rights of common could.

130. You do admit that it is a result of forest law?—That is a question which seems to me to imply a reversal of the real position of the parties. The rights of common are exercisable during periods of the year that do not include fence month; and therefore I say that the rights of common do exist during the other periods of the year, because of the rights of forest.

131. I want to know first, whether fence month is part of the forest law, or not?—Yes.

Lord Henry Scott.

132. Is not fence month for the protection of the deer, and the deer only?—I said that there were other animals which were protected by it, and to which it was a benefit.

Mr. Cooper-Temple.

133. Forestal law is just as reasonable, I presume, as any other law; and was not the reason of the forest law, that it enabled the Crown to prevent people from coming into the forest in fence month, in order to preserve the fawns, 0.100.

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since it is the month when fawns are produced?—The right honourable gentleman's question has reference to persons going into the forest; but I suppose he does not mean persons going there to exercise rights of common; if the question relates only to rights of way, I may say that it has not been usual to prevent persons passing about the New Forest during fence month.

134. I was speaking of the strict right of law, and not of the practice; and I apprehend that I am correct in saying that the original right of fence month did apply to individuals who might have interfered with the fawns, just as much as to cattle, who might have interfered with the fawns, independently now of any practice, I mean?—I am afraid I shall have to refer to Manwood to read the passage. At folio 76, Manwood says, "No man ought to wander up and downe in the forrest in the time of the fence moneth, without some especiall businesse there. And note, that the execution of the lawes of the forrest (as it doth appeare by the ancient assises and iters) have been so severely looked into, for the preservation and quiet of the wild beastes with their fawnes in this time, that no man might be suffered to have any accesse or passage neere unto any place where they do then frequent or resort."

135. Then I may ask, would it be equitable for the Crown now, in the case of a power which was originally given by the forest law for the protection of fawns, to use that power merely for troubling and annoying the people who would wish to pass through the forest when the purpose for which the law had passed had ceased, namely, the protection of the young deer?—The right honourable gentleman's question blends two subjects which are entirely distinct from each other, that is, persons walking about in the forest for their pleasure, and persons going into the forest for the purpose of exercising rights of common.

136. I meant to confine it only to those who pass without any reference to rights of common at all; I meant simply people wandering about who might simply accidentally interfere with the fawns?—Then limiting it to persons walking about in the forest, not having any legal right to do so, I am not aware that any complaint has been made, either before or since the passing of the Act of 1851, in reference to interference with any such persons.

137. Would it not be a very unusual thing for the Crown to exercise a right when the purpose for which that right was granted had entirely ceased?—That is a hypothetical question which I do not think at all arises in the present case.

138. It appears that on the 26th of June, the Committee, having heard Mr. Gardiner's evidence, and the counsel for the petitioners having departed, made an alteration in the Bill, and scratched out the words "other beasts of chase." Now I want to know whether we are to understand that that alteration prevented the Crown from relinquishing the right of forest which Mr. Gardiner stated had been relinquished by the Bill in its first shape?—I think that the question is quite concluded by the negotiations which took place, that is, that the commoners, who were petitioners, distinctly asked that the Crown should consider the measure as final, and that it should be left in the position of a lord of the manor (a most ambiguous phrase that), that that provision

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provision was not assented to, and that no finality clause was introduced into the Bill.

139. You stated that the agreement to which you have alluded as appearing from Mr. Gardiner's bill of costs led to the changes and additions which appear in the Bill as reported in July?—The Right honourable gentleman will quite understand me that I was not a party to these transactions; and I can only represent to the Committee what appears to me to have been the effect of them by my perusal of the documents.

140. That is what I want to ask you; is not the effect of those interveners that are mentioned in that bill of costs seen in the Bill which was changed subsequently to those negotiations, the Bill, namely, that was printed in July?—The Bill was altered partly before and partly after those negotiations.

141. Then do you mean to say that the alteration of the Bill on the 26th July, namely, the striking out of the words "other beasts of chase," could by any possibility have been the produce of agreements which occurred in the following month?—Certainly not; I stated distinctly that the alterations in the Bill were made partly before and partly after the negotiations in the following month. The words "other beast of forest or chase" were struck out of the Bill before the negotiations; the alterations reducing the quantity of land for the Crown allotment from 14,000 to 10,000 acres, and for ascertaining rights of common, and for saying that the Crown should have only the right of inclosing plots of 300 or more acres at a time, were introduced after.

142. Then I may take it, may I, as the result of those documents that you put in, that the question of the original words, "beasts of chase," could not have been in any way affected by the subsequent negotiations?—I have no doubt whatever that Mr. Coxwell was fully informed of the position in which the Bill stood at the time those negotiations took place. He is living, and can come, if necessary, and give evidence here.

143. But with regard to the bill of costs which you put in, does anything appear there to show that the omission of those words followed any negotiation or any interview or any agreement?—The omission of those words preceded the negotiation and the interview and the agreement.

144. Therefore, would it not follow that, as far as the information exists before us, the commoners were not informed of this change which occurred in the Bill on the 26th June?—I again feel that I am in a difficulty, because I have not any personal knowledge of what took place; but if I may be allowed respectfully to represent to the Committee what seems to be the deduction from the papers before them, it is this: that the commoners must have known in substance that the Bill, as passed by the Committee, would not have left the Crown in the position of an ordinary lord of the manor, because in July they put forward, as a distinct matter for consideration, that it shall be so deemed that it shall be final, and leave the Crown in the position of a lord of the manor; if the Bill was satisfactory to them in that respect, there was no need for a stipulation in their behalf; it was because it was not

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satisfactory that they made the stipulation which was waived by Lord Malmesbury.

145. My recollection from the bill of costs was that it was not a new thing, but that they acknowledged it was part of what existed; but if you will just turn to what is mentioned under the date of July 8th, in the paper you have handed in, you will see that what Her Majesty is said to have desired to obtain was to settle a quantity clause, and constituting a local tribunal of verderers and a barrister to be a court to determine common rights; the extent of the inclosure was to be limited, and then the quantity was to be reduced from 14,000 to 10,000 acres; but I cannot see anything that would lead us to suppose that they did not fully accept Mr. Gardiner's evidence, which was to the effect that the Bill as printed did reduce the Crown to the position of a lord of a manor?—Will the Right honourable gentleman permit me to call his attention to the passage at the top of page 2 of the printed paper of extracts from Mr. Gardiner's diary, which I have handed in, in which it is said that: "His Lordship waived any restriction as regarded trees to be planted, waived all mention of finality, also waived any restriction as to Crown rights, other than right of deer, in respect of which compensation was to be made." As construing that I put in a memorandum received from Mr. Coxwell, which showed what "finality" was, and that the Crown was to be left as an ordinary lord of the manor, and that that stipulation was abandoned by Lord Malmesbury.

146. With regard to compensation; when the Bill was first given notice of, and first proposed to the commoners, was it not understood that the Crown, in abandoning its forestal rights, was receiving compensation in the form of 14,000 acres; and if so, I want to know whether the forestal rights are not part of what was abandoned in return for the compensation?—Originally, the Bill proposed that 14,000 acres of land should be inclosed in the first instance; that when the trees in that were grown up so as to be past danger, other 14,000 acres should be inclosed, irrespectively of the quantity of 6,000 acres, which is also mentioned in the Bill, and that deer, and other beasts of the forest or chase, should be removed, but that the forest should remain vested in Her Majesty, as it was before the passing of the Act.

147. Then as to this compensation of planting 14,000 acres, in addition to what had been already agreed to, how much of that compensation was for the extinguishing of the right of keeping deer, or was any portion of it given for the ceasing of the right to keep wolves, bears, or other beasts of the forest?—That is a question which I am afraid I am utterly unable to answer.

148. You do not think that anybody in your department would seriously propose to have compensation for ceasing of the right to keep any other beasts of the forest than deer?—If the result of the clause would have been that the Crown would be left in the position of an ordinary lord of the manor, instead of having forestal rights, I think it would have been a very grave reason for asking for very substantial compensation.

149. Do not the proceedings which are printed before us, seem to show that Mr. Gardiner, in 1851, who was speaking officially, informed the Committee

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Committee that substantial compensation had been already obtained for the abandonment of all the forestal rights?—That the petitioners, who were the persons before the Committee, were not misled by any evidence of Mr. Gardiner's is perfectly clear, inasmuch as they made a distinct proposal on the subject afterwards, which they waived.

150. What was that proposal?—That the Crown should be left in the position of an ordinary lord of the manor.

151. When did you say that was made?—By Mr. Coxwell in the paper which I have handed in.

152. Have you any reason to suppose that the commoners doubted Mr. Gardiner's evidence, that the Crown was actually in the position of a lord of the manor?—I think I have the best possible evidence that they did not acquiesce in Mr. Gardiner's evidence, inasmuch as they made a distinct provision to carry out the stipulation that the Crown should be left in the position of a lord of the manor.

153. Did not that mean that they would not have the provision altered?—I think that they were dissatisfied with the Bill as it stood, and adopted the opinion of their counsel, Mr. Talbot, rather than of the solicitor to the Woods, Mr. Gardiner; they made a stipulation, and after that they abandoned it or waived it.

154. You mentioned in your evidence that there were two classes of common rights over the forest; one by indulgence after the forest was created; the other, the right of common which existed before the afforestation of waste lands?—The Right honourable gentleman misunderstood me, if he thinks I said anything of the sort; what I said was, that Mr. Esdaile, in his evidence before the Committee of the House of Lords, referring to Manwood, suggested that that might be the origin of rights in the New Forest, and that Lord Justice Mellish referred in his judgment to the possibility of such an origin; but I said that here we could not go behind the decision under the Act of 1851, and that we must assume that the rights at the time of their origin were as they have been decided by law now to be.

155. Then, as it is a fact admitted by all authorities, that there are these two classes of rights of commoners; one, the right of those persons who get the right of common over a forest after it is afforested on account of the ground being waste, and the other the preceding right which exists over the wastes of a forest, as it does over any other wastes; what I want to ask you is, are you aware that all the claims which were received on the register are claims of the latter kind, that is, of rights of common as over the waste, and not rights of indulgence?—The Right honourable gentleman's question assumes things which I am not in anyway prepared to admit. The rights of common here are defined by a decision of Parliamentary Commissioners; we cannot go behind that decision; we cannot go into the origin of the rights at all; nor can we go into the question of claims. The claims, only so far as they have been decided to be valid, and appear on the decision, are valid claims. Whatever grounds may have been put in the claims, we can only look at the decision; and there is a clause in the Act of 1854 which expressly says that claims exercised since 1800 shall be valid. Now if those claims had been first

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exercised since the passing of the Act of William the Third, there might have been very grave doubt, at all events, as to whether they could have had any legal origin or any legal existence.

156. Do you think that that is a case where 60 years' prescription of rights would be held valid?—I have read the decision of the Lord Chief Justice of Common Pleas, Sir John Jervis, and Mr. Justice Crowder, and Mr. Justice Willes, in which they intimate grave doubts as to whether it would be held valid. They held that 30 years' user was not sufficient, and they intimate grave doubts whether 60 years' user would have been sufficient. To remove those doubts, a clause was inserted in the Act of 1854, under the stipulations made at the time of the negotiations of 1851, and therefore those rights have now been declared to be valid.

157. I suppose there is no doubt that claims registered in the time of Charles the Second would be valid at the present time?—The Right honourable gentleman uses a term which he will forgive me for saying may possibly be misleading, because there is a register of decisions under the Act of 1851, and only an entry of claims in the Justice Seat of 1670. Upon those claims in 1670 there were no decisions, and, therefore, although gentlemen chose to claim very extensive rights over the forest, those were not adjudicated upon, and that they did not exist in the form claimed in 1670 is clear to demonstration, inasmuch as by the Act of William the Third, passed only 28 years afterwards, the rights are declared to be very much more limited in many cases than they claimed to be in the Justice Seat of 1670.

Lord Henry Scott.

158. Where do you find that statement?—Many of the claims in the Justice Seat of 1670 are to be exercisable, for instance, during fence month. Now, during fence month there is no right of common in the forest; it is declared by the statute.

Mr. Couper-Temple.

159. May we take the entries in the time of Charles the Second as a guide to ascertain whether the claims which were made before the last court, and which were admitted, were of an ancient date?—I do not think the claims made at the Justice Seat of 1670 are now of any value whatever for the purpose of determining what the rights of commoners of the New Forest are. I think we cannot go back beyond the decision under the Acts of 1851 and 1854.

160. I only mentioned it with reference to the suggestion that you have thrown out that some particular favour was shown to the commoners by allowing them 54 years' user; and I wanted to know whether, if those claims were really as old as the time of Charles the Second, the boon would be a very great one?—Certainly not, in that particular case; but what I wanted to point out for the consideration of the Right honourable gentleman, and other members of the Committee, was this; that subsequently to the Act of William the Third, it was very doubtful if any new right of common could be lawfully created; but the Act of 1854, resulting from the arrangement of 1851, legalised all rights which had been exercised since 1800; therefore we have possibly a new class of rights coming into existence.

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161. You were informing the Committee of a particular class of cases in Waltham Forest, where it was held as probable that the common rights had been subsequent to the afforestation. Now, do you think that the same opinion would be held in regard to the New Forest, which has this peculiarity to distinguish it from all other forests, namely, that the afforestation of the New Forest is a matter of historical record; we know when it occurred, and we may suppose that over those wastes which were afforested by William the First, there would have been the same common rights as over all the other wastes in the county and neighbourhood of the New Forest?—The Right honourable gentleman attributes to me the opinion of a much greater man than myself, Lord Justice Mellish, and I shall venture to read his words again, which are these: "I think it is possible that the king at the time when the forest was originally formed might have created that right. If at the time when the forest was originally formed, the land was the property of the Crown, I cannot see why the king, when he formed the manors, might not have granted to the lord of each manor for himself and his tenants, a right of common over all the wastes of the forest; or if the lands were not the lands of the Crown at the time, when the forest was formed, then the forest might have been formed with the consent of the owners of the land over which the forest was formed, because, in point of law, the king could not make a man's land into forest without some agreement or consent from him. Then it may have been part of the arrangement by which the forest was formed, that all the owners of lands within the forest were to have rights of common over the wastes of the forest." Now, the Right honourable gentleman will see that the Lord Justice dealt with both classes of cases; he assumes that where the right of common was created it was a compensation for the burden of the forest, and that where the right of common was restricted by the introduction of the forest law, proper compensation was made at the time by the Crown to the persons entitled to the right of common; but that we must now consider that everything done was done properly.

162. But was not that judgment given with reference to a forest in different circumstances from the New Forest, inasmuch as the afforestation of the forest to which the judgment referred was not a matter of historical record?—I cannot see any difference in that respect, because the Lord Justice goes back to the origin and says we must assume that these rights of common, whether of one character or the other, were rightfully constituted in their present form.

163. You do not wish the Committee to doubt that common rights in the New Forest have existed previous to the afforestation; you have no reason to doubt that, have you?—I have not any reason to suppose it.

164. And, therefore, you can give us neither a reason for nor against it?—Neither way, except that as I have mentioned, in Domesday Book I could not find any mention of rights of common, and while I said so I said at the same time I thought that that was a circumstance which ought not to operate to the detriment of commoners, because in very many other cases where really rights of common do exist, those rights of common are not mentioned in Domesday Book.

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In fact, I believe that no rights of common in the county of Hants are mentioned in it.

165. Was not the bargain made in the Deer Removal Act an advantageous one to the Crown, inasmuch as the Crown obtained the right of having 10,000 acres of plantation in lieu of the value of 3,000 deer?—If the powers of the Act of 1851 had been fully carried out, as they have not been, owing to the circumstances which I have mentioned, I presume that it was considered at the time they would have been advantageous to the Crown, and it was considered at the time also that they would be advantageous to the commoners and the landowners in the New Forest, otherwise they would not, with the very able legal assistance they then had, have assented to the measure; certainly the Right honourable gentleman's predecessor, Lord Seymour, would not have assented to it on the part of the Crown, nor would the solicitor of the Duke of Buccleugh or his counsel have assented to it on the part of the commoners.

166. You consider that it was a mutual advantage to both parties?—It was considered so at the time; but inasmuch as the Crown has only inclosed 5,000 acres, instead of 10,000 acres, the public at the present time are losing the benefit of the growth of 5,000 acres of plantations which was intended by that Act to have been formed in return for the burden of the deer.

167. Are they not also saved the expenditure that they must have incurred to prepare these plantations?—That it was hoped would be reproductive expenditure. Probably the Right honourable gentleman, who has property in the neighbourhood, is about as well acquainted with that subject as I am, and better.

168. Is it not a disputed point whether the Crown has those rolling powers of which you have been speaking, or whether it has only the power of doubling the quantity of acres which it was originally allowed to inclose?—So far as I know, the question was for the first time raised before the Committee of the House of Lords in 1868; I believe that it was always treated as a matter free from doubt up to that date; I think that then the point was suggested, that the Crown had only the power of inclosing twice under the Act of William the Third; I have already pointed out, that under the Act of George the Third, and now again under the Act of 1851, the original power under the Act of William the Third has been treated as a rolling power.

169. Does the question turn on the interpretation of the Act of William the Third?—Partly on the interpretation of the Act of William the Third, and partly on the interpretation put upon that Act by the Act of George the Third, and the Act of the present Queen.

170. And was it on account of that doubt which had been raised, that they put into the Bill a declaratory enactment to declare that the Crown had this rolling power?—Certainly; because the doubt having been raised, and there being a doubt on the literal construction of the Act, but no doubt the intention, so far as could be ascertained, either on the part of the Crown or the commoners; it was thought a proper case to submit for the consideration of Parliament. We should, of course, have to satisfy Parliament that the circumstances of the case were such as to justify Parliament in inserting a declaration in

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in the Bill that the Crown had the right as a rolling power.

171. Do you know whether it was proposed to the Commissioners of Woods to ask for a legal opinion as to the vexed question of this *toties quoties*, and that the Commissioner of Woods did not agree to take a legal opinion?—The circumstance is not within my knowledge.

172. In your description of the position of the Commissioners of Woods, you explained that they are like the trustees of a settled estate in regard to their payment of revenue?—A very similar position, I think.

173. In whom is the property vested, for whom they receive the revenue?—The property is vested in Her Majesty.

174. Are the Commissioners bound, in the management of the hereditary land of the Sovereign, to confine their attention to the means of exacting the largest quantity of money from the property under their management, or are they at liberty to act with that liberality and equity which the most noble persons in the State would exercise in the management of their own property?—If the right honourable gentlemen would allow me, I will read what I said on a former occasion, in answer to a question put to me by the honourable Member for the City of Oxford before the Thames Embankment Committee; I said in answer to Question 240, "the duty of the Commissioners of Woods is exactly the same as the duties of trustees under any settlement; the duties of the trustees, under any settlement, are to manage the property for the benefit of the tenant for life and the reversioner. The Commissioners of Woods have the same duties, and it is not that any express direction is needed for them to do so, but an express provision is needed to make it their duty not to do so. The burden of proof lies upon the trustees to show that they have power to alienate or dedicate for purposes, other than those of profit, trust property under their charge."

175. I quite understand that the Commissioners have to look to the interests of the reversioner as well as the interests of those to whom the money is to be paid; but the point I wish to ask is whether there is any other restriction such as one of this character; that the Commissioners are bound to confine their attention to financial advantages, or whether they might take the same liberal view of the management of the property of the Crown that the Sovereign would be likely to take if the Sovereign managed her own property?—My answer to that question is, that it is the duty of the Commissioners of Woods to have regard to all the interests which are affected by the property under their charge; not only the interests of the reversioner, but the interest of the whole nation of Great Britain and Ireland, and also the character of the particular property. I was asked on a former occasion questions about Windsor Park, and about various other properties. I said everything must depend on the circumstances of the particular case; and I suppose that you might fairly consider the rights of the Crown in the New Forest as occupying a position, somewhere between one of the farms in Lincolnshire and the interest of the Crown in Windsor Park. You must have regard to the circumstances. In this particular case the rights of the nation are exercisable under the Act of 1851,

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and in order that they should be preserved and given effect to it is necessary that the powers given by that Act should be carried into execution.

176. You mentioned one particular case in your evidence, namely, the case of Epping, and I wish to ask with regard to the course which the Commissioner of Woods took in selling the forestal rights, a course which was disapproved of by the House of Commons, and which led to the removal of Epping Forest from the management of the Commissioner of Woods, in an Act of Parliament which was passed, whether there was any obligation on the Commissioner of Woods to use these forestal rights only for selling them, or whether he might have exercised the discretion of preserving them without receiving any money from them?—The right honourable gentleman's question commences with statements which purport to be statements of facts, but I am not aware that in some cases they are supported by evidence. I am not aware that the House of Commons, has expressed its disapproval of sales by the Commissioners of Woods. I am aware that certain individual Members have expressed their disapproval, but I am not aware that there has been any resolution by the House to that effect. Also, I am not aware that the sale of those forestal rights had any effect whatever on the question now determined. I have already pointed out that if the proceedings had been taken on behalf of the Crown, it is extremely doubtful whether they could have been taken successfully, inasmuch as the inclosures might probably have been made to a height sufficient to exclude the public, and yet not sufficient to exclude the deer; and it is doubtful if they had been made in that manner, whether the Crown would have had any right of interference at all; and I thought the advisers in the recent suit acted judiciously when they selected commoners to take the proceedings instead of their being taken by the Crown.

176*. I want to ask you with reference to the law of the case; I want to know whether the Commissioners of Woods had any obligation to sell a right which, at the moment they sold it, was effective in preventing the inclosure of Epping Forest, and therefore conferred an indirect benefit upon the public?—I have already stated that it was extremely doubtful whether it had the effect of preventing an inclosure. The rights which were sold were sold under the advice of the Attorney General, Sir Alexander Cockburn; he was certainly not a man who would do that which he thought to be detrimental to the interests of the public; and they were sold at a time when public opinion was in a very different state on that particular question of rights in Epping Forest from what it now is. I remember very well that in 1858 when a Bill was in Parliament for the allotment of the land left to the commoners in Hainault Forest, the then honourable Member for Finsbury, Mr. Thomas Duncombe, gave notice of a clause to preserve from inclosure 422 acres of land on the north side of the forest; either he did not get anybody to second that proposal, or at all events it was never given effect to, and the thing dropped.

177. Is there any obligation upon the Commissioner of Woods in reference to New Forest in this respect; is the Commissioner of Woods obliged to treat ancient trees of picturesque beauty

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beauty and grandeur as if they were a field of turnips, and is he bound to take them out of the ground at the earliest convenient moment after maturity; or is he at liberty to leave those trees alone for the enjoyment they produce among the Queen's subjects?—As a matter of law he is not bound to treat the trees like a field of turnips; as a matter of fact, I do not suppose he has contemplated doing anything of the sort suggested.

178. May I ask you whether the other persons in the Department of Woods have not anticipated that; for I have seen somewhere a statement of the deputy surveyor recommending that the ancient timber should be cut smack smooth?—The deputy surveyor is here, and will appear before the Committee, and no doubt he will answer any questions the right honourable Member puts to him.

179. You objected in your evidence, on a former day, to the use of the word "privilege," as used by the petitioners; what term would better express the uses which the public have practically over the forest, and which they would lose in those portions of the forest which are inclosed?—I do not object in any way to the use of the word "privilege."

180. Did you not say that the word "privilege" must be used to express a right, only a right of communities, instead of a right of individuals?—No. What I said, or intended to convey was this, that I thought the word "privilege," here was meant in its popular sense.

181. Have not the public, practically, a right of way over the forest as they have over every other common in the land?—The right honourable Member's question again assumes a point of law, which, I think, is open to more doubt than he appears to entertain about it. My impression has been that as a rule (it has been held, I think, in the case of Blundell and Catterall) there is no general right of walking about a common.

182. I have used the word "practical," rather to avoid the question of the strict legal right; what I mean is, in practice is there any power residing anywhere to prevent the public at large from wandering over the forest, as they would over common land?—I am not aware that the question has in any way arisen. As a matter of fact, persons are allowed to walk about the forest with the greatest facility.

183. You are not aware that any decision, either adverse or favourable, to the right of the public over lands subject to rights of common, has taken place?—There are several decisions on the subject.

184. Are they adverse or favourable?—There have been questions over village greens (but they do not concern this question).

185. May we not assume that the public are practically interested in the maintenance of any open land, whether it be forest or common land; I mean that the same advantage would accrue to them from keeping the forest open as would accrue to them from keeping any common land open?—The right honourable gentleman's question uses the term "public" in a way which I endeavoured to get some definition of; if he means the persons who see the New Forest who live in the neighbourhood of the New Forest only, that is one question; if he means the whole public at large I can quite conceive the whole public at large taking an interest in having the New Forest kept, to a considerable extent, open; and if by

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any Act of Parliament any provisions are made as to the New Forest the Office of Woods will, of course, acquiesce; but there are other interests involved besides those of the particular locality; there is the public interested in having oaks grown in the forest and the public interested in the pecuniary returns; all those considerations have to be regarded, and not merely persons actually in the locality.

186. If I used the word "public" in the sense of comers and goers without any special rights, then would you not think that the Commissioners of Woods might have a reference to using the property of the Sovereign for the enjoyment and happiness of these comers and goers, as well as for getting revenue into the Exchequer?—The Act of Parliament of 1851 defines clearly what the Commissioners of Woods' duties are; that Act of Parliament contemplates that 10,000 acres shall be inclosed in return for the right of the Crown to keep deer; until another Act of Parliament is passed altering that, it remains the duty of the Commissioners of Woods to carry that out, and no doubt by this time 10,000 acres would have been inclosed, and would have been a considerable benefit to the public but for the circumstances which I have mentioned already.

187. Then the discretion of the Commissioner of Woods is not fettered by anything but what is contained in this statute?—It depends on the provisions of the whole of the Acts of Parliament relating to Crown property, and that duty which every trustee has of managing the property under his charge.

188. Is there any instruction from the Treasury to guide him in such a case?—He has had instructions from the Treasury as to the giving effect to the resolution of the House of Commons in 1871.

Mr. Edward Stanhope.

189. Can you tell us when you first find any authority for the term "winter heyning"?—I do not remember any one earlier than the proposals of the commoners in Dean Forest which led to the Act of Charles the Second.

190. You do not remember any earlier than that Act?—The Act of Charles the Second is the earliest Act, I believe.

191. You told us that it was not mentioned in "Manwood"?—The term is not mentioned in "Manwood."

192. "Manwood" being the principal authority for what we call forestal law?—Yes.

193. Then when you said that these rights had been exerciseable for 800 years, that was rather a stretch of fancy, was it not; that they have been exerciseable during 800 years, and have been exercised, subject to an Act of Parliament for 200 years. That was rather a stretch of fancy as regards the right of winter heyning, was it not?—No, it is that the rights of common of pasture are exerciseable during six months of the year, rather than that they are *not* exerciseable during the other six.

194. You also told us that those rights of common during six months of the year only, had been exerciseable for 800 years?—That is the only evidence I have of rights of common as they now exist. The burthen of proof lies upon the commoners to show that they have rights; and they do it under the decision of the Act of 1851.

195. I am asking you now as to when the term

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term "winter heyning" originated. You cannot tell me any earlier origin than the time of Charles the Second?—Certainly not, because the Act of William the Third defines what rights of common are exercisable; everything remains in the Crown which is not in the commoners, and the commoners have rights during six months of the year.

196. Any authority which did attempt to give a definition of the rights of the Crown in the forest previous to that time never mentioned the right of winter heyning?—I really am not able to answer the honourable Member's question. I can only say I have not seen any earlier mention of it than the time of Charles the Second.

197. Fence month has never been enforced in your recollection, nor in the recollection of anybody at the office?—In my recollection certainly not; the grievance at the present moment is theoretical, because we have not acted in a different way from previously.

198. The winter heyning has never been practically enforced except so far as to maintain the right?—I would rather you asked that question of the deputy surveyor.

199. So far as you know, it has not?—On the contrary, I understand that it has been so much enforced, that very little difficulty would be found in clearing the forest of the few cattle on it.

200. Has the forest been cleared during the whole of the winter time?—Mr. Stead's letter says, "that practically the period of the winter heyning has been so completely enforced in the forest since the award of the Commissioners, that there really are no cattle or horses in the forest during that season, with the exception perhaps of a few cows out for a short time just opposite the homesteads of the commoners."

201. I observe that in November 1850 a notice was inserted in the "Gazette" "that the Act was to be for the extinguishment of the right of the Crown to stock, and keep the New Forest stocked with deer and other beasts of the forest"; that is the notice which would come especially under the observation of the commoners?—Yes.

202. And there was plenty of time given by that notice before the Bill was introduced?—Yes.

203. The commoners in due course formed a committee to represent their rights with respect to the Bill before Parliament, did they not?—That I am not aware of.

204. Except that notice which you have published in the "Gazette," there was no public notice given, was there, of any change of intention on the part of the Crown with respect to the Bill. Notice is given in the "Gazette" of an intention to bring in an Act for a particular purpose; there was no other notice given to the commoners that the Act was to be limited to deer?—I am not aware of any.

205. You know the name of Mr. Castleman, perhaps?—I have heard it.

206. I will read you a piece of his evidence. Mr. Castleman says, at No. 317, "I have only this to say, that I was one of the committee appointed to oppose the Deer Removal Act, I being one of the few who were in opposition, and certainly neither the winter heyning nor the fence month at that time was mentioned; Mr. Gardiner, in conversation with me when I pressed

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upon him that we should have the rights of the commoners ascertained, said, 'That is no business of ours.' In the original Bill there were no clauses for ascertaining the rights of the commoners, nor as it passed the first Committee of the House of Commons; and when I was pressing upon him that we should have such clauses put in for ascertaining the rights of the commoners, he said, 'After this is passed, the Crown will have no interest in it; you must manage it amongst yourselves'; and I certainly believed that everything necessary for the preservation of the deer would go with the deer, and would benefit the commoners?—That evidence seems to me to be given on a very fallacious basis, because it appears to me to assume that, after the Act was passed, the commoners supposed they had acquired by grant of Parliament a right of common of pasture for 12 months of the year instead of about six. I can easily understand that *qua* rights of common they should get relieved from the deer during six months when they had rights of common, but I cannot understand on what principle of justice they should think they ought to have got new rights of common in the other six months.

207. He may be quite wrong in his law, but at the same time he, a Member of the Committee, and appointed to represent the Committee, believed that everything necessary for the preservation of deer, would go with the deer?—Mr. Castleman was, I believe, the solicitor originally engaged in the petition against the Bill, and afterwards Mr. Coxwell. Mr. Castleman originally instructed the Parliamentary agents, who were represented by Mr. Talbot before the Committee. Whether Mr. Coxwell was at that moment concerned, or Mr. Castleman, I cannot say; but I believe Mr. Castleman was the original instructor of them, and subsequently Mr. Coxwell; and the gentleman who acted in July 1851 for the commoners who originally instructed Mr. Castleman, thought it necessary to stipulate distinctly in terms, that the measure when passed should leave the Crown in the position of a lord of the manor. That was objected to by the Crown, and struck out as part of the consideration for the compromise entered into.

208. By the Act of 1851, instead of the right to plant oak on 6,000 acres, the Crown obtained the right to plant for profit on 16,000 acres; do you not call that a very substantial advantage?—Allow me to refer to the Act.

209. Without an Act of Parliament, could you not just answer that question?—I am going to refer to the Act to see whether the honourable gentleman states the substance of it correctly. I do not find that that Act alters the description of trees which could be planted on the 6,000 acres.

210. That is hardly answering my question?—But you used the words "for profit."

211. Let me put it in this way; instead of the right to plant oak on 6,000 acres, the Crown acquired the right, while still planting on the 6,000 acres, to plant for profit all sorts of trees on 10,000 more acres?—That is a correct statement of the case, if the word "profit" refers to trees of any kind.

212. And the duty of the Commissioners representing the Crown would be to plant trees, in order to get as good a profit out of them as possible?—The duty of the Commissioners of Woods would be to plant in such a way as they considered

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considered to be most advantageous to the public at large.

213. You mean the Crown and the public, in the sense in which you were using it before?—I mean the Crown and the public. Where oak will grow profitably, they usually plant oak. In other places, where oak will not grow so profitably, then they plant other trees. In consequence of the provision inserted at the request of the commoners, that no inclosure should be less than 300 acres, it has been necessary to plant to a very considerable extent with fir, where oak cannot be profitably planted. That which was originally intended to be for the benefit of the commoners, is probably a provision which may be re-considered.

214. Do not you think that the Crown gained a very substantial advantage by the Act of 1851; without speaking for the moment of what they gave up, did they not gain a very considerable advantage?—Does the honourable Member mean to say that if the rights of the Crown and the commoners were under the Act of Parliament, divided and separated, at the present moment the Crown would be in a better position now?

215. No; but by acquiring the right to plant for profit on 10,000 acres, did not the Crown gain?—I think not.

216. You think that the right to plant for profit on 10,000 acres is of no value?—I say, speaking of the Act of 1851, No.

217. By gaining the right to plant on 10,000 acres for profit, did not the Crown gain a very substantial advantage?—Under the conditions of the Act of 1851, I think that the Crown did not gain a benefit.

218. I am putting a hypothetical question?—If the Crown, free from any condition whatever, and not as recompense for a surrender of any right, gains a right for the first time of planting 10,000 acres, which it could not otherwise occupy, I should say that was a valuable right for the Crown.

219. Do not you think that, in compensation for obtaining any right of that sort, the Crown ought to give up something?—It is all a matter of arrangement.

220. What did the Crown give up in the Act?—The Crown gave up the paramount right of keeping deer, and keeping an unlimited amount of deer in the forest; and it also conferred, incidentally to that, the great advantage upon the neighbouring landowners of being free from the ravages of the deer, which were put prominently before the Committee of 1848, when they said that they could not grow the turnips in consequence, and that their lands did not sell at so high a price as they would otherwise.

221. Taking the deer by themselves, was it not the fact that they were at considerable loss in income to the Crown?—I have no doubt that deer generally are an expense. The returns will, I daresay, show exactly; but the Lord Warden's department, under which the deer were, was distinct from the Office of Woods up to 1850.

222. I daresay you know that the Crown was losing by the deer?—I would rather have anything clearly on paper which relates to figures.

223. Now, I observed that your opinion is, that the claim of pasturing cattle in the forests for 12 months is quite an unreasonable one under the circumstances?—What I said was unreasonable was, that commoners, because they were relieved

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of the burthen of the deer should ask to have a grant made to them for the other six months.

224. Was it not in effect what was recommended in 1789, that the forestal laws were to be determined?—The arrangement proposed in 1789 was somewhat complicated, and without going into the whole of it, I think we cannot take out one particular item.

225. Was not that substantially the case?—If the honourable Member will give me the page, I will refer to it.

226. I am reading from the little pamphlet?—I should prefer to refer to the proposals themselves.

227. Without going into detail, was it not in effect that the deer were to be removed, the forestal laws determined, and some compensation given to the Crown?—Part of the provisions were that the deer should be removed: "That the Commissioners shall be empowered to treat and agree with such persons as may be appointed, by a majority, in number and value of the freeholders, and others having right of common, of pasture and pannage in the forest, as to the proportion of the 57,845 acres of forest land (being the whole quantity of the open forest, after deducting the 6,000 acres which the Crown is entitled by the Act 9 & 10 Will. 3 to have constantly inclosed) that should be left open during the whole year to their cattle and swine, as a competent satisfaction for the interest or share that they have a right to enjoy of the pannage and pasture of the said 57,845 acres for a part of the year, in common with the King's deer, and what proportion of the said 57,845 acres should be set apart as a competent satisfaction to the Crown or to the public, for the share which the Crown is entitled to of the said 57,845 acres, in consequence of the right to keep any number of deer, without limitation, in that part of the forest during the whole year; and those proportions being ascertained, that the deer should be sold or removed," &c. Therefore the effect of the proposal is very different indeed from what the honourable Member supposes, part was to be set out to the Crown or the public, and the commoners were only to have a right of pasture over the other part.

228. Was not the very same claim which is now made embodied in the proposals made in 1789?—Very different; the proposal in 1789 had reference to a specific part of the forest to be set out. The claims now alleged are in reference to the whole 63,000 acres, excepting such parts as are actually inclosed.

229. In addition to that the proposal did contemplate that a certain part should be allotted to the Crown in compensation of the deer removal?—As has been done in many other disafforestations when the deer are removed, and the Crown gets an allotment, there is no reason why the rights of common over the forest should not be exercisable over the whole of the year, an utterly different case from that which exists here.

Mr. Ryder.

230. In regard to the fence time, and the time of winter heyning, is that a right that you consider of any use to the Crown?—It is very valuable in this respect, that several witnesses before the House of Lords adverted to the strong probability of there being, at a future time, a division of rights between the Crown and the commoners, and it was put to Mr. Esdaile by one

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one or two noble Lords. Lord Portman asks Mr. Esdaile at Question 175, "You want the Crown to give up those rights, and to give up the possibility of inclosing hereafter? (A.) No, certainly not; I ask the Crown to give up this; I ask it to give up a portion of the right it has under the Deer Removal Act, and in doing so, I ask it not to pass a general Inclosure Act; but then a general Inclosure Act may follow by and by in another 20 or 30 years, according to circumstances. (Q.) You want first to get all the rights from the Crown that the commoners can get, and having got those rights, to claim for them under an Inclosure Act? (A.) No, that is not so; I want to rescue the rights of the commoners from what will be utter extermination, and I want to do so without damaging the Crown in any way by giving us justice." Then Mr. Castleman says, in answer to Question 310, as to whether it would be better to have an Inclosure Act, "Yes; if the present system of inclosing is to go on. I was one of the few individuals who joined in the opposi-

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tion to the Deer Removal Bill; at that time I foresaw what would happen, and I was of opinion then that it would have been far better to have had an inclosure at once, and that is still my feeling, that it would be better for the commoners to have an inclosure now whilst their rights are of some value, than to wait till the Crown has rendered them useless, and then get nothing at all."

231. In fact, the general object is to cheapen the rights of the commoners?—The general object is not to cheapen the rights of the commoners, but to preserve the rights of the Crown and the public; in fact, to prevent the commoners getting an advantage which they never have had yet, and which would be only useful to them practically in the event afterwards of a separation of rights taking place between the rights of the Crown and the commoners.

232. It comes to the same thing in the end, as I have said, does it not?—It comes to a very different thing in point of justice.

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MEMBERS PRESENT:

Mr. Biddulph.
Mr. Alexander Brown.
Sir Charles Dilke.
Lord Eslington.
Mr. John Stewart Hardy.
Colonel Kingscote.

Mr. Ernest Noel.
Mr. Ryder.
Lord Henry Scott.
Mr. William Henry Smith.
Mr. Edward Stanhope.
Mr. Cowper Temple.

WILLIAM HENRY SMITH, ESQ., IN THE CHAIR.

The Honourable JAMES KENNETH HOWARD, called in; and Examined.

Chairman.

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Kenneth
Howard.
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233. You are, I think, the Commissioner of Woods, having the management and direction of the New Forest?—I am.

234. When were you appointed?—I was appointed in 1855.

235. Were you in office when the Act of the 14 & 15 Vict. c. 76, known as the Deer Removal Act, was passed?—I was not.

236. Are you acquainted generally with the provisions of that Act, and with the circumstances under which it was obtained?—I am acquainted with the provisions of that Act, and I am aware of the circumstances under which it was obtained. Those circumstances are stated in my reports to the Lords of the Treasury of the 5th of December 1867, and 8th of June 1871, both of which have been laid before Parliament.

237. I believe we have those reports before the Committee?—I think they are before the Committee.

238. Have you made any other report to the Treasury, or has any other report prepared by you for the information of Parliament, been laid before Parliament on the subject?—With regard to the Deer Removal Act, I think these were the only two reports.

239. Was the report of the 5th of December 1867 reprinted in March 1871?—I think so.

240. And it was substantially the same report, was it?—The same report.

241. You believe the statements made in those reports to be substantially correct?—I believe the statements made in those reports are substantially correct.

242. In what light were the provisions of the Act of 1851 regarded by your department?—The provisions of the Act were regarded by my department as in the nature of a compact between the Crown and the commoners. They were, at all events, always regarded in that light by me. Full notice was given of the intention to introduce the Bill into Parliament, and the Bill when before Parliament was referred to a Select Committee, who fully investigated its provisions, and heard counsel on behalf of the Crown and the commoners. If therefore any commoners were not represented before the Select Committee on the Bill, it was their own fault, because a full

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opportunity was given them for the purpose, and those commoners who were represented before the Committee were consenting parties to the Bill as amended by the Committee, and as passed by Parliament. Under these circumstances it appears to me that the commoners are bound by the Act, and that they have no right to seek for a modification of its provisions without the concurrence of the Crown.

243. If in place of merely removing the deer the forest had been disafforested, would the Crown have required a larger compensation than that which they obtained under the Act of 1851?—Undoubtedly. On the disafforestation of Hainault Forest, out of 3,013 acres the Crown obtained 1,870; in the case of Whichwood Forest, out of 3,770 acres the Crown obtained 2,543; in the case of Whittlewood Forest, out of 4,060 acres the Crown obtained 2,647; and in the case of Woolmer Forest, out of 5,000 acres the Crown obtained 3,415, the allotments being in severalty.

244. What was the compensation, then, which the Crown received for giving up the deer; I think it would be desirable that the Committee should know with what compensation you compare the arrangements in the several forests to which you have referred; can you state the compensation received in this case?—I am not able to state that; I can merely state generally the allotment that was set out for the Crown in each of these cases.

245. Have the provisions of the Deer Removal Act of 1851 been carried out?—The provisions of the Act have not been fully carried out. So far as the commoners are concerned, they are in the full enjoyment of all, and more than all, the benefits secured to them by the Act. The deer have been removed, and the commoners' rights have been investigated. But the Crown is not yet in the enjoyment of the compensating advantage secured to it by the Act. The Act gave the Crown, in compensation for the extinguishment of its right to keep an unlimited stock of deer, power to inclose and hold in severalty 10,000 acres of the waste land of the forest, and from time to time to throw open the inclosures, and to inclose a like quantity of the waste in lieu of

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of what was thrown out. Of the 10,000 acres which the Crown was thus authorised to hold inclosed and discharged from all rights of the commoners, only 5,037 acres have as yet been inclosed, so that the Crown is at present in the enjoyment of only about one-half of the immediate compensation awarded to it by the Act. The immediate compensation was the right to inclose 10,000 acres of the waste. The full compensation which was awarded to the Crown was, not only the right to inclose 10,000 acres, but the right to throw open those inclosures from time to time as the trees planted in them were past danger from cattle, &c., to inclose and plant other portions of the waste of the forest in lieu of those portions that were thrown out.

246. Then, is it the view of the Commissioners of Woods and Forests that the commoners are in the enjoyment of more than was contemplated by the Legislature when they passed that Act of 1851?—The commoners are in the enjoyment of more than was contemplated by the Legislature when they passed that Act of 1851. It was then contemplated that the commoners would have the enjoyment of commonable rights over about 47,000 acres of land; but, in consequence of the inclosures which the Crown was authorised to make not having been made to the extent authorised by the Act, the commoners are enabled to exercise their rights over about 52,000 acres of uninclosed waste land, or over about 5,000 acres more than was contemplated when the subject was under the consideration of the Legislature in 1851. The commoners would always have, it was contemplated, 47,000 acres over which they would exercise their commonable rights, but 5,000 acres of the waste not having been inclosed, which the Crown was entitled to inclose, and had the power to inclose, they have been in the enjoyment really of 52,000 acres.

247. The noble Lord near me asks whether you include in the 47,000 acres, which you assume to be the proportion over which the commoners would have rights of common, that acreage of inclosures made under the Act of William thrown open?—Yes.

248. Then you contend that the Crown is not yet in possession of what the Act awarded to it as compensation for the extinguishment of its right to keep an unlimited stock of deer?—The Crown is not yet in possession of what the Act awarded to it as compensation for the extinguishment of its right to keep an unlimited stock of deer. Irrespective of the prospective right which was given to the Crown, of making fresh plantations, from time to time, as those made or to be made, were thrown open to the waste, the Act authorised the Crown to inclose and keep inclosed 10,000 acres at a time of the forest, in addition to the 6,000 acres which it was authorised to keep inclosed under the Act of 9 & 10 Will. 3, c. 36. The total quantity which the Crown is authorised to keep inclosed and hold in severalty at any one time, is thus 16,000 acres. The total quantity which is really inclosed at the present time does not exceed 11,037 acres. So that at the present time, the commoners have the enjoyment of about 5,000 acres of land which, under the provisions of the Act of Parliament, should be in the exclusive possession of the Crown.

249. When was the Commission issued under the Act of 1851, for inclosing land for planting?—It was not until the year 1855 that a Com-

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Chairman—continued.

mission was issued to inclose the 10,000 acres, and, subject to the alterations which have taken place in its constitution owing to deaths, it is still in existence.

250. And it is by this Commission, and not by the Commissioners of Woods, that the land for inclosing has been selected and set out?—It is. The Commission did me the honour to elect me chairman, and as Commissioner of Woods and Chairman of the Commission, I have submitted proposed inclosures to the Commission, but they have been rejected, or altered, or fresh sites selected as the Commission, in the exercise of its undoubted power, thought proper.

251. Are you able to state to the Committee the constitution of that Commission?—The existing Commission is composed of the following members: The two Commissioners of Woods for the time being; the four Verderers of the Forest, viz., Sir Henry Charles Paulet, Bart., of Little Testwood, Hampshire; Mr. John Morant of Brockenhurst, Hampshire; Mr. William Hans Sloane Stanley of Paultons, Hampshire; Sir Edward Hulse, Bart., of Breamore House, Hampshire. Then there are five Justices of the Peace for the county of Hants (there were six at that time but one is since dead); namely, Mr. George Edward Eyre of Warren's House, Wiltshire; Mr. William Dockworth of Orchardleigh, Somerset; Mr. Henry Compton of Manor House, Minstead, Hampshire; Mr. Clement Drake Esdaile of Burley Manor, Hampshire; Mr. Charles Castleman, late of Glasshayes, Hampshire. The Deputy Surveyor of the Forest, Mr. L. H. Cumberbatch, Mr. Charles Castleman, and Mr. Duckworth, have, I understand, sold their property in the forest; but with the exception of those gentlemen, and with the exception of the Commissioners of Woods, and the Deputy Surveyor, I may mention that all the members of the Commission are possessed of common rights in the forest.

Lord Henry Scott.

252. Mr. Freeman is dead, I think?—Yes; at that time, in 1855, he was one of the six justices then members of the Commission; since his death there have only been five.

Chairman.

253. I understand you to say that with the exception of the official members of the Commission representing the Department of Woods and Forests, all the members of the Commission were persons interested as commoners in the common rights of the forest?—Yes, all of them.

254. By whom are the other members of the Commission elected?—The New Forest Inclosure Commissioners were appointed by Her Majesty by Letters Patent under the Exchequer Great Seal.

255. On any representation by any local authority, or at the discretion of the Crown?—I think the recommendation comes from the Office of Woods, as far as I recollect.

Lord Eslington.

256. How are the vacancies filled up as they occur?—By Royal Sign Manual Warrant; your Lordship will find it in the Act of 1851.

Chairman.

257. Will you read the clause of the Act?—It is Clause 3: "And such inclosure shall be made under and by virtue of the Commission or

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Commissioners to be from time to time granted and issued by Her Majesty for that purpose, and each of such Commissions shall be directed to six or more such persons as Her Majesty shall think fit, whereof two in each Commission shall be justices of the peace for the said county of Southampton, and shall not be officers of such forest; and any such Commission may be revoked and renewed, as Her Majesty, her heirs and successors, may think fit; and any new Commissioner may be appointed by Her Majesty, her heirs and successors, under Sign Manual, on the death, resignation, or incapacity of any Commissioner," &c.

258. Then I understand that clause to insist upon a minimum number of six; the number may be larger, but if the Commission falls below six it would be necessary for Her Majesty to appoint an additional Commissioner, keeping up the number to six?—I presume so, but at that time, in 1855, there were thirteen Commissioners; at the present moment there are twelve.

259. And the practice has been when the number falls from death, or removal from the forest, I suppose, below eleven or twelve to fill up the vacancies?—To fill up the vacancies.

260. Who was the last appointed, may I ask?—I am not certain whether it was Mr. Compton.

261. Are the verderers *ex officio* members?—Yes.

262. May I ask if it is to be assumed that the interests of the commoners have been properly cared for by the Commission?—The representations of commoners respecting any proposed inclosures have at all times been considered by the Commission very carefully, and sites have been changed, boundaries altered, and acreage reduced to meet the objections of commoners. On more than one occasion the noble Lord the Member for South Hants (Lord Henry Scott), as a commoner having large and valuable rights, made representations on behalf of himself and other commoners, which were considered; and for the further protection of the interests of the commoners a resolution was passed at a meeting of the Commission held on the 25th June 1867: "That in case of any future selection of sites for inclosure, or the alteration of any boundaries of inclosures provisionally selected by the Commission, public notice be given in the local newspapers setting out the boundaries of the sites selected and of the nature of any alterations as above mentioned, and a map to be deposited by the Commission for the inspection of commoners without fee, at the Queen's House, Lyndhurst, at least one month previous to a final decision of the Commission upon those inclosures and alterations." That resolution was passed at the meeting of the 25th of June 1867.

263. Have the Commission considered it to be their duty to set out the full quantity of 10,000 acres?—At the first three meetings of the Commission, inclosures intended to make up the total quantity of 10,000 acres were approved of, and directed to be set out and inclosed. At the last of these three meetings, held on the 1st March 1866, it was stated that the inclosures then authorised were intended to make up the full quantity; and although at subsequent meetings the approval of these inclosures was practically withdrawn, yet no objection to set out inclosures, to the extent required by the Act of Parliament and by the terms of the Commission, was expressed until the two last meetings in 1870. On the contrary, at a meeting held on the 31st of

Chairman—continued.

October 1868, Mr. Esdaile, who was one of the Commissioners, stated that "he would agree to any quantity (not exceeding that authorised by Parliament) being inclosed, provided the Crown was prepared to plant it."

264. Why has not the full quantity of 10,000 acres been set out for inclosure?—As I have just stated, inclosures intended to make up the full quantity of 10,000 acres were approved at a meeting held on the 1st of March 1866; but at the next meeting, held on the 11th of October in the same year, the consideration of them was reopened, and only one of them (Deer Leap) has been finally approved, set out, and made in anything like the form in which it was originally approved. Inclosures, comprising altogether 6,361 acres 1 rood 16 perches, have however, at one time or other, been adopted and approved of by the Commission, and in addition inclosures containing about 805 acres, have been adopted and approved, subject to some alteration of boundaries; of these inclosures only 5,036 acres, 1 rood, 16 perches, have been made and planted. At a meeting of the Commission held on the 9th of August 1870, Mr. Esdaile stated that "he seriously objected to a further allotment under the Deer Removal Act. He had publicly stated before a Parliamentary Committee in 1868, that under William the Third's Act, the Crown had taken in 2,000 acres more than was warranted by the Act. Considering, therefore, this allegation, he thought that they ought to hold their hands in sanctioning to the full extent the inclosures under the Deer Removal Act, until that point was inquired into." The Commission, however, were then of opinion that they could not enter into any question connected with the operation of William the Third's Act; but at the next and last meeting of the Commission, on the 14th of September 1870, the question was again raised by Lord Henry Scott in a letter addressed by him to the Commission, and the following resolution was passed: "That this Commission do not sanction the full acreage of 10,000 under the Deer Removal Act until the allegation made in the memorial presented by Lord Henry Scott, M.P., that 2,500 acres have been inclosed in excess of the acreage permitted under the Act 9 & 10 Will. 3, c. 36, has been investigated, and an opinion given on the interpretation of that Act by the law officers of the Crown to the Commission, and that this meeting be adjourned." This was the last meeting of the Commission; no meeting has since taken place; that closed our proceeding.

265. May I ask you now why, seeing that 7,166 acres, under these circumstances, were adopted and approved, subject to certain minor alterations of boundaries, only 5,037 acres were really planted; the Commissioners of Woods seem to have obtained authority from the Commission to inclose and plant 7,167 acres, but they seem only to have planted and inclosed, according to your statement, 5,037 acres?—Under the resolution of the House of Commons we were prevented from making any further inclosures.

266. Then, so far as the Commission is concerned, there is, so to speak, an unexhausted power in the Commissioners of Woods of 2,000 acres?—Not the Commissioners of Woods; the New Forest Inclosure Commissioners.

267. I understand the machinery to be this, that no planting can take place excepting the
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Chairman—continued.

New Forest Commission has approved the site and boundaries of the proposed inclosure?—Exactly.

268. When that has been done, then the authorities of the Woods take the matter in hand, and the New Forest Commission has nothing further to do with it?—Exactly so.

269. So that so far as the Commissioners of Woods are concerned, there is in the Commissioners of Woods now, if I understand the matter correctly, an unexhausted power of planting equal to 2,140 acres of land?—Yes.

270. But that power has been suspended by the operation of the House of Commons in 1871, sustained by the Treasury since?—Yes, exactly. There are these inclosures approved, but not made; if you will look to the map you will see Ashley inclosure to the north, 395 acres; there is Eyeworth, 395 acres; Markway, 535 acres; making 1,325 acres of inclosures approved, but not made. I may say that the acreage is merely an approximate estimate; it has not been passed by a sworn surveyor and valuer. Then the two inclosures that were approved subject to alteration you will see to the south of the Forest, one called Longslade, 405 acres, just north-east of Set Thorns, and then Thorny Hill in Holmsley Walk, 400 acres; making the 805 acres that were approved subject to alteration.

271. Has the opinion of the law officers of the Crown been obtained on that question?—It has not. The resolution I have just read was passed on the 14th of September 1870; in November 1870 it was decided by Her Majesty's Government to introduce a Bill into Parliament to separate the rights of the Crown and the commoners, and in consequence no steps in regard to setting out further inclosures were considered necessary. The Bill, which was duly prepared and introduced into Parliament, was withdrawn on the 10th of May 1871; but on the 20th of June 1871, the House of Commons passed the following resolution: "That in the opinion of this House, pending Legislation on the New Forest, no felling of ornamental timber, and no fresh inclosure, should be permitted in the New Forest; and that no timber whatever should be cut, except for the purpose of thinning the young plantations, executing necessary repairs in the forest, and satisfying the fuel rights of the commoners." Since that time the Commission has not held any meeting, and as 1,325 acres of inclosures, already authorised, remain uninclosed, I have not considered it necessary to obtain the opinion of the law officers of the Crown in regard to further inclosures, as suggested by the Commission. I may add, however, that whenever it may become necessary to obtain advice on the question raised it will be requisite to obtain it, not solely with reference to the interpretation of the Act 9 & 10 Will. 3, c. 36, but also with reference to the meaning and effect of the Acts 48 Geo. 3, c. 72, and 14 & 15 Vict. c. 76, as explaining and revising the first-named Act. But I may also add that it seems questionable whether it comes within the province of the Commissioners under the Act of 1851, to question the proceedings under former Commissions appointed under other Acts. The Commissioners were appointed by Her Majesty to set out 10,000 acres of land for inclosure, and not to inquire whether the provisions of prior Acts had been properly carried out. The question raised by the Commissioners

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Chairman—continued.

is a question between the Crown and the commoners, and not one between the Crown and Commissioners appointed by the Crown for a specific object not involving that question.

272. Has anything been done in the way of inclosure since 1871?—Nothing. The planting of those inclosures, which were previously fenced, has been nearly completed; but although 1,325 acres more were finally approved, and 805 acres more were provisionally approved by the Commission, they remain uninclosed, unplanted, and open to the commoners' cattle.

273. Has any old timber been felled since 1871?—Since the year 1871 I have been authorised by warrants under the Royal Sign Manual and signature of the Lords of the Treasury to fell 421 oak trees for fencing and repairs to lodges, &c. Nearly all these oak trees were dead, or very much decayed. I have also been similarly authorised to fell 1,003 beech trees to supply the fuel assignments to the commoners having right thereto, some trees being also supplied to the charcoal burners in the forest, who petitioned to be allowed the means of continuing to gain a living in the forest. I have got the list here of the timber authorised to be felled by Sign Manual Warrant from 1871 to 1875. In 1872 there were 12 oaks and 244 beech; in 1873 there were 58 oaks and 211 beech; in 1874 there were 43 oaks and 254 beech, and in 1875 there were 308 oaks (that large number is made up of dead trees) and 294 beech. That makes 421 oaks and 1,003 beech in the four years, and those are exclusive of the windfall trees, and I am sorry to say that there were a great many windfall trees.

Mr. John Stewart Hardy.

274. That does not include anything done in the way of thinning young plantations?—No; for that we require no warrant.

Chairman.

275. Have you any suggestion to make for removing the dissatisfaction which is felt by some of the commoners at the effect of the Deer Removal Act of 1851?—As I stated to the Committee of the House of Lords in 1868 I can suggest but one remedy for the grievances, or alleged grievances, of the commoners, and that is a general disafforestation of the forest, and the allotment to the Crown of so much of the forest as may be determined by a competent and impartial tribunal to be a just equivalent for the rights and interest of the Crown. As I have before stated, the Deer Removal Act has been regarded as a compact between the Crown and the commoners, solemnly ratified by Parliament after a full investigation by a Select Committee. As representing the Crown, I have been most desirous to carry out the provisions of the Act faithfully and in strict conformity with its directions. If the commoners are determined to obstruct the exercise of the paramount rights which the Crown undoubtedly possesses, and to endeavour to make those rights subservient to their own, there is in my opinion but one course open to those whose duty it is to protect the interests of the Crown and the public, and that is, to ask the Legislature to authorise the entire separation of rights which intermixed can no longer be enjoyed in peace. That course would be in accordance with the recommendation of every Committee or Commission

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mission which has reported on the subject during the last 30 years. As far as I am concerned, representing as I do the interests of the Crown and the public, I am quite prepared to abide by the settlement effected by the Deer Removal Act. It is for the commoners to decide whether or not they are prepared to do the same. But if they are not, the Crown and the commoners must part company, and under a general Disafforestation Act the rights and interests of each will be judicially determined and adequately compensated.

276. Are you in a position to give the Committee any information as to the pecuniary results, so far as the planting is concerned, of the operation of the Deer Removal Act. Of course it is to be presumed that the Crown derives a profit for the State from the exercise of its proprietary rights?—I have had made out in the office a statement, in a quinquennial form, showing the income and expenditure in the New Forest since 1805, which I can put in. I do not suppose the Committee would wish me to read it.

277. This is not a balance-sheet, as I gather, but a statement of the pecuniary results of the exercise of the Crown rights in the work of timber growing?—It is an account of the income and expenditure for every service; everything is included; we could not separate the items without very great trouble; but this shows the annual net income for the period from 1805 down to the present time.

278. Does it also show the expenditure for planting?—It shows the general expenditure; I see very well where the planting has been considerable from the figures, and I also see from the figures where I am sorry to say, before my time, the cutting was considerable; that I hope will not be charged to me. (*The statement of Income and Expenditure was then handed in, vide Appendix.*)

279. I may ask you whether you have cleared in your time any portion of the old woods of the forest?—I am not aware of having cleared, as I am charged with doing, very large portions of the old wood in the forest. The Committee must bear in mind that I was appointed in 1855, and that up to August 1862 I considered it my duty to supply the Navy with timber. Now the Navy will only take good trees, therefore good trees were cut at that time for the Navy; that I could not help. With regard to these inclosures, there is a clause in the Deer Removal Act which provides for paying the expense of inclosing and planting these inclosures out of the trees that are cut down in the inclosures. That was, I think, very properly done in an economical point of view. We paid in some measure the expense of these inclosures out of the trees that were cut down. But I beg leave to say that my instructions have always been with regard to cutting in these inclosures, that all fine trees and conspicuous clumps of fine trees should be left, and they have been left; I could point out on the map several fine clumps which have been left, not only for the purpose of ornament, but for the purpose of replenishing the forest with young trees, which they are doing, I am happy to say, at a very rapid rate; and I shall have to remark upon those young trees before I have finished; because I am sorry to say that several Members of this Committee have been into these inclosures and stated that they could see no young trees, whereas I was there the other

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day and was delighted to see thousands of young trees growing up in Denny and in Wood Fidley, and growing so thick that I told the deputy surveyor, when I was there, that it would not be very long before he should get in and thin them out.

Mr. John Stewart Hardy.

280. In fact, doing much better than you could do by planting trees?—A great many of the best judges differ on that point; and I have no doubt, if you look into the origin of most of the old timber in this country, you will find that they were planted trees. All I know is, that in Lord Bagot's park, in Staffordshire, there are plantations 80 or 90 years old, of the finest oak, not only in the kingdom, but in the world, and all those are planted trees; and I will defy anyone to point out finer trees anywhere.

Chairman.

281. Then I understand you to state that the policy of the Commissioners of Woods, in the management of their forests now, is not to remove the old woods?—Certainly not; I should as soon think of cutting down the ornamental timber in my own place as of cutting down a single one of those fine trees in the New Forest.

282. And if it has been done at any time, it has been done under the compulsion of which you speak, the necessity of finding money by which to carry out the planting, on the one hand, to supply timber for the Navy, on the other, or under an old system which is now completely abandoned?—Yes; it would be most foolish and most improvident on my part to cut down trees which are far more valuable to stand than to fell.

283. Are you able to state to the Committee the proportion of Scotch fir to oak, in the plantations which have been made since 1851, in point of numbers?—The deputy surveyor, who will be examined after me, will tell you that. I may state now that, of course, those Scotch fir that are planted are planted as nurses; in the course of some 30 or 40 years not a Scotch fir will be seen among the oaks; there will be Scotch fir on portions of the forest where oak will not grow. We hope that those Scotch fir may in time become fine trees. I do not know a handsomer tree than a well-grown Scotch fir, and I think that in the New Forest that a greater diversity, not quite so much monotony of oak, will be a very good thing.

Lord Henry Scott.

284. I think you stated just now that you had during your time never cut down any old wood, did you not?—I have cut down no woods, I think, excepting in the inclosures. There are old trees that have been cut down in the inclosures; but in the open forest, where there is the old timber, I am not aware of having cut any. The deputy surveyor, who has better local knowledge than I have, will be able to tell you; but I cannot call to mind any masses of fine old trees that I have been charged with cutting down.

285. Has not Wood Fidley, with the exception of that one clump of beech, been cleared?—Wood Fidley was re-inclosed; the deputy-surveyor will be able to speak to that; the fine trees were left in Wood Fidley, but I believe that the scrubby bad trees were cut down in Wood Fidley, under the provisions of the Deer Removal Act

Lord Henry Scott—continued.

Act, by which we pay for the expense of inclosure out of the trees that we cut down; I think all the fine timber in Wood Fidley on the high ground was preserved; I know a great deal of it was.

286. Was there no fine old wood in Wood Fidley besides that one clump?—I cannot recollect; as I say, the deputy-surveyor will be able to speak better upon that; I cannot carry all the plantations in my head, though I know most of them pretty well.

287. Perhaps you are acquainted with Frame Heath, which is close by?—I was not well acquainted with Frame Heath before it was inclosed.

288. Have you ever heard it stated that that was one of the finest old woods in the forest?—There is a good deal of fine old wood left at Frame Heath at this moment.

289. Not within the inclosure, is there?—I am not certain; just outside of it there is, at all events.

290. With regard to Oakley, that was one of the ancient woods that was felled, was it not?—I do not recollect.

291. Perhaps I had better defer this part of your examination till we have a coloured map with us. Now you stated that you would as soon think of cutting down old timber on your private estate as you would in the forest; I want to ask you simply whether, taking five years from 1851, the average of old timber cut down and sold in the forest was not at the rate of 20,000 *l.* a year?—I have nothing to say to the period from 1851 to 1855; I was not a Commissioner of Woods till 1855. I made the remark just now, when referring to the accounts, that I could tell the years when a great quantity of timber was cut, and I am happy to say it was not in my time; so that the noble Lord must not charge me with what was done by my predecessor. My predecessor is alive, and I shall be very happy to see him up from Scotland to answer for himself.

292. I will ask you, then, as to the years between 1855 and 1863. You were in office in 1856?—Yes.

293. There was 19,000 *l.* worth of Navy timber cut in that year, was not there?—That was what was cut by my predecessor; I had only the selling of it.

294. Coming to 1857, there was 7,000 *l.* worth of timber cut in that year, was there not?—It might have been for the Navy; the Navy took up to 1862.

295. You said that you were appointed in 1855, and you mentioned a report that you made to the Treasury in the year 1867?—Yes, I made a report in 1867.

296. And also you made a report in 1871?—Yes.

297. Are those reports identical?—They are not identical.

298. Are they not to a great degree identical?—To some extent they are; but they are not altogether identical; but there was, I have no doubt, a great deal of repetition, because we have had to repeat the same Acts of Parliament in both reports.

299. Have you the two reports before you?—Yes.

300. Perhaps you will compare them together. If you will go to the third paragraph of the Report of 1867, I think you will see that in 0.100.

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stating the acreage of the forest you say, "about 26,000 acres are private property, subject to the forestal rights of the Crown"?—Yes.

301. And you will see that in the Report of 1871 you make the same statement, "As regards about 26,000 acres of that quantity, the soil is the property of private landowners"?—Yes.

302. And you leave out, in 1871, "subject to the forestal rights of the Crown"?—I see it is left out; I was not aware of that. I may as well state to the Committee that of course all the legal part of these reports was furnished to me by the solicitor of the department; I am not supposed to write the legal portions of these reports.

303. Then I suppose the solicitor of Woods and Forests then thought it desirable not again to make that claim over the 26,000 acres that he made in 1867?—I cannot say what might have been his reason for omitting that; he, I hope, will be here next week; he is very ill just now, but I hope he will be here next week, to answer for himself.

304. You do not, then, take the responsibility for a statement of that character?—I am responsible for these reports.

305. Were you made aware of the fact that this claim of the forestal rights of the Crown over the 26,000 acres of private property, which was made in December 1867, was virtually so withdrawn in 1871?—I certainly had no idea that there was any intention of withdrawing it, because I always was under the impression that those forestal rights still remained over the 26,000 acres, and I have no doubt that they do.

306. But the omission is very significant, is it not?—I do not know what significance the Committee may put upon it; I was not aware of it till my attention was called to it by your Lordship.

307. Does not Mr. Milne, in his evidence in 1848, give a contrary opinion; does he not state that the freehold land is not subject to forest law; at Question 1729 you will find that Mr. Milne states that "the freehold land is not subject to the forest laws"?—If Mr. Milne did state that, I think it has been proved since that Mr. Milne stated what was not correct; because we have exercised the rights over the land.

308. In what way?—Shooting; we have sent keepers over with their guns.

309. Could you state what lands you have exercised such rights over?—Mr. Cumberbatch, when he is examined, can tell you; I can only tell you generally.

310. But the forestal rights are not merely rights of shooting over private properties, are they?—No; forestal rights are much larger than the rights of merely shooting over private property.

311. Have they ever been exercised over private property?—Well, forestal rights according to Manwood, would include the right of shooting, as a forest includes a park, a chase, and a free warren. The forest includes the whole; the right of shooting may be considered a forestal right.

312. But there are other forestal rights of a much more important character than the right of shooting, are there not?—I suppose your Lordship alludes to the winter heyning and fence month.

313. No, that is over the wastes; I mean over private property. The right of winter heyning and fence month is only over the wastes; the forestal

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forestral rights over private property are of a very extensive character, are they not?—I cannot exactly tell you now what they are.

314. In fact, I suppose you do not know very much about it?—I would much rather you would ask the solicitor to the department, who would tell you what forestal rights really are much better than I can; I have never exercised them in my own person.

315. It is curious that this statement is five times repeated in this Report of 1867, and yet it is withdrawn in the first page of the Report of 1871; but you cannot speak to that, I understand?—If you will ask Mr. Watson, he will be able to explain that.

316. Your attention, then, had not been called to that before?—It had not been called to that before.

317. I should like next to call your attention, in regard to these Reports, to a quotation which is given from the Act of William the Third; you will find it at page 3 of both Reports. At the top of page 3 of the Report of 1867, and about the middle of the page in the 1871 Report. In the Report of 1867 I find this: "By Section 3" (this is Section 3 of William the Third's Act) "it was provided that at all times thereafter, whenever the Board of Treasury should be satisfied that the woods and trees growing in the said inclosures, or within the inclosures to be thereafter made, were past danger of browsing of deer, cattle, or other prejudice, and should think fit to lay the same open and in common, then it should be lawful for his Majesty from time to time to inclose out of the said forest, in lieu of so much as should be laid open, the like quantity out of any other part of the residue of the said wastes, to be set out and made in like manner, and by like Commission, and to be holden freed from all manner of common, herbage, pannage, or other rights for so long time as the same shall continue inclosed, to be a nursery for timber only." Have you ever compared that with the clause in the Act?—I have not compared them, but I was going to allude to this if the noble Lord had not called my attention to it. As I said before, all the legal portion of these reports is prepared by the solicitor of the department, and he is prepared to satisfy the Committee that no misquotation was intended, such as the noble Lord signified in the letter which he wrote to the "Times" on the 22nd of June 1871. On my part I can only say that I had not the slightest idea that there was any misquotation; I never had the slightest doubt as to the rolling power of the Crown; and even if I had a doubt I trust I should not have recourse to what the noble Lord would impute to me, the dangerous subterfuge of misquoting an Act of Parliament. But it is absurd to suppose that I, or that Mr. Watson, could misquote an Act of Parliament as to something which did not then exist, and I must have had the gift of prophecy if I misquoted an Act of Parliament with regard to the rolling power, a question as to which never arose till the year 1868, the year after this report was written. I had heard nothing then of any question as to the rolling power.

318. Is it not in evidence before the House of Lords in 1868 that I called attention to this in 1868?—Yes; but this report was written in 1867. I knew nothing at all in 1867 as to any question of doubt as to the rolling power.

Lord Henry Scott—continued.

319. Then I will refer you to the Report of 1871; I hope in saying this you do not imagine that I should impute to you anything in the slightest degree dishonourable in any way; I had not the slightest intention of doing that; but I wish to ask you if you will read the words that occur in the Report of 1871, which was written after the Committee of 1868, and there the words are these, "And by section 3 it was provided, that at all times thereafter, whenever the Board of Treasury should be satisfied that the woods and trees growing in the said inclosures were past danger of browsing of deer, cattle, or other prejudice, and should think fit to lay the same open and in common, then it should be lawful for his Majesty from time to time to inclose out of the said forest, in lieu of so much as should be laid open, the like quantity out of any other part of the residue of the said wastes to be set out and made in like manner, and by like Commission, and to be holden freed from all manner of common, herbage, pannage, or other rights, 'for so long time as the same shall remain and continue inclosed,' to be a nursery for timber only." Is that a correct quotation of the Act?—I beg leave to say that on these questions of the construction of Acts of Parliament, I must ask the Committee to examine the solicitor to the department who furnished me with that part of the report. I take for granted that the law, all the legal part of these reports is correct.

320. Perhaps you will allow me to read to you the section of the Act itself. The 3rd section of the Act is: "That at all times hereafter whensoever the Lords Commissioners of the Treasury, Lord Treasurer of England or Chancellor of the Exchequer for the time being, shall be satisfied and shall determine that the woods and trees which shall be growing on the said two thousand acres, or any part thereof, within the inclosures which shall afterwards be made as aforesaid, are become past danger of browsing of deer, cattle, or other prejudice, and shall think fit to lay the same or any part thereof open and in common, and shall cause the same so to be done, that then and so often it shall and may be lawful to and for his Majesty, his heirs and successors, from time to time to inclose out of the said forest, in lieu of so much as shall be laid open of the said two thousand acres, or of the said number of acres authorised to be inclosed as aforesaid, the like quantity out of any other part of the residue of the said wastes, to be set out and made in like manner, and by the like Commission and admeasurement as aforesaid, and to be holden inclosed, freed and discharged of and from all manner of common, herbage and pannage, or other rights, for so long time as the same shall remain and continue inclosed, according to," &c. Now I daresay you will observe that the words said, "Two thousand acres or any part thereof," are omitted in both quotations, both in the Report of 1867 and in the Report of 1871?—As I said before, I conferred with the solicitor to the department upon this very point, and I said: "I must request you to explain the matter to the Committee with reference to Lord Henry Scott's charge as to a mis-quotation, because I do not undertake to explain the construction of Acts of Parliament"; and he said that he would do so; and next time he comes he will do so, I have no doubt, to the satisfaction of the Committee.

321. Do you not consider these words material

Lord Henry Scott—continued.

rial yourself; have you ever studied the question?—Well, I have; but I would rather leave it to the solicitor to explain, and he, I have no doubt, will do so to the satisfaction of the Committee.

322. Do not you think it is rather important, when your name appears at the end of a statement of this character, that you should satisfy yourself that it is properly drawn?—I do satisfy myself of that; but as to the legal part of it, I take for granted that the solicitor, who is a very careful man in everything which he writes, would have only written what was quite correct; and I have no doubt, that he will explain it. He told me he would explain it to the Committee.

323. But I suppose this is the clause, on the interpretation of which the letter which I wrote to the Commission in 1870 particularly bears?—Yes.

324. I suppose you have studied other parts of that report, too, have you not?—Yes; I have read and re-read it till I am tired of it. I was told that I was to be impeached for having presented it. It is a very dull document, and impeachable documents generally are not that.

325. I suppose you would rather not be asked any question as to the quotation from the reports of the Commissioners under the 26th of George the Third, which you will find at page 6 of the Report of 1867, and which is quoted again in the Report of 1871; that refers to Alice Holt and Woolmer Forest; have you read that report of the Commissioners under the Act of George the Third?—I have not read it lately.

326. Then I suppose you would not be aware that there are rather important words which precede the beginning of this quotation, which begins in the Report of 1867 with the words, "These acts"?—I am not aware of that, for I have not referred to the report itself.

327. The words are: "It is obviously repugnant to every idea of justice and good policy that the rights of one party in any joint property should be sacrificed to those of another;" this precedes where that quotation begins; you have not seen that?—No.

328. Towards the end of your Report of 1871, you make a general statement as to the policy of managing the forest, which is at the end of page 11, where you say that the object is "first, to secure as large an income as is consistent with good management for the benefit of the nation, as tenants for the life of the Sovereign; and second, to preserve intact the corpus of the inheritance in the interest of the Sovereign's successors as reversioners"?—Yes.

329. Do you consider that the value of the ancient timber of the forest, the reversioner has no interest in at all?—Certainly, he would have an interest in it.

330. And would not desire it to be cut down?—No; and I am not cutting it down. I said before, that it would be very foolish and improvident on my part to cut the ancient timber; it is far more valuable to stand than it is to cut.

331. At the end of page 12 of your Report of 1871, you say that you have had frequently to resist "solicitations in favour of local interests;" what did you mean by that expression, "solicitations in favour of local interests"?—Solicitations in favour of granting free sites to any local interest, such as to a charity in London, or anywhere else; we cannot do that.

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Lord Henry Scott—continued.

332. It has no reference whatever to the New Forest?—I do not say that it has any special reference to the New Forest.

333. At the end of page 14 of your report, you say that you question whether a resolution of the House of Commons (the one you have alluded to in your evidence to-day probably), "would release the Commissioner in charge of New Forest from the performance of his duties as trustee of a settled estate, one of those duties being to take care that the statutory powers of the Crown, in regard to the making of plantations in the New Forest, are duly exercised. If the resolution were passed, it would place the Commissioner in the dilemma of having either to disregard it, or to violate the trust imposed upon him by 'Acts of Parliament'; should you not consider yourself bound by any resolution of the House of Commons?—Certainly, I do. This report was written under peculiar circumstances; I act under the Treasury; if in the management of the business connected with the landed estates of the Crown I feel any difficulty as to the management, I go to the Treasury for advice. At this time I was in this dilemma; I might have had to forego the carrying out of provisions of an Act of Parliament, which might have been an impeachable offence; I was told, indeed, that I was to be impeached for having laid this report before Parliament. I must, I say, either forego that, or I must decline to obey a resolution of the House of Commons, which would have been a very grave matter; and therefore I wrote that report to the Treasury for their instructions under the circumstances of the case. Their instructions were that I was to be guided by the resolution of the House of Commons, and by that resolution I have been guided ever since.

334. You referred, I think, to the Bill of 1871, did you not?—Yes.

335. Is it not rather an unusual thing to make a long quotation from a report of a Commission in the preamble or recital of a Bill?—I am really not able to answer the noble Lord on that question.

336. But there is a long quotation, is there not, from the Report of the Commission of 1789 in that Bill of 1871?—I have not got the Bill by me, and I have not looked at that Bill, for the Bill was withdrawn, and I have not refreshed my memory with it.

337. Then you cannot give any information with regard to the Bill of 1871?—No.

338. Do you remember this fact, that by Clause 41 of the Bill, 100 acres were to be assigned to the public for recreation grounds round Rufus's Stone?—Yes, I recollect that.

339. Was not that the only arrangement made in that Bill for the public convenience in that way, the recreation of the public?—I believe it was.

340. And that out of an acreage of the forest of 63,000 acres?—Yes.

341. Do you know anything about the 64th Clause of the Bill of 1871?—I have not got the Bill by me, and I do not know what the clause refers to.

342. Sub-clause 5 gave a power to the Commissioners to exclude the public from their allotments, but you cannot speak as to that, I understand you?—No.

343. In that Bill of 1871 you took power to make a claim on the part of the Crown to rights of

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of common, or to *quasi* rights of common, attaching to private lands of the Crown, did you not?—I believe that is so, but, as I say, I have not referred to that Bill.

344. But you are acquainted with the Bill of 1851?—Yes.

345. There was a clause in that Bill, was there not, which gave the Crown power to claim rights of common in respect of any private property before the Commissioners, who were appointed in 1854; it is the 28th clause of the Deer Removal Act?—"That it shall be lawful for the Commissioners for the time being of Her Majesty's Woods, Forests, and Land Revenues, on behalf of Her Majesty, to prefer any claim in respect of any ancient inclosed lands or tenements of Her Majesty," &c. Yes, the clause gave that power.

346. Do you know if any claims were made before the Commission in 1854?—I do not know.

347. Has not the decision of those Commissioners been considered final as regards the commons rights?—I believe so.

348. Would the Crown be entitled to make a fresh claim with regard to rights of common in 1871?—I am not prepared to answer that.

349. Has your attention ever been called to the letter which was written by the deputy surveyor on the 31st of December 1853?—Upon what subject?

350. You will find it in the Report of the Committee on Crown Forests in 1854, as to the policy which was to be adopted with regard to the forest?—Yes, I know it very well.

351. That was alluded to in 1868, was it not?—Yes.

352. Has any answer ever been made to that letter?—I believe Mr. Cumberbatch answered that before the Committee of 1868; he was asked a question upon it.

353. But I mean was any answer sent from the Office of Woods?—I do not know; I never knew of any.

354. You know the sentence that I allude to, I suppose?—Yes.

355. "It appears to me to be important," Mr. Cumberbatch says, "that the Crown should, as soon as possible, exercise its right of inclosing the 16,000 acres, because, exclusive of other advantages, by so doing all the best pastures would be taken from the commoners, and the value of their rights of pasture would thus be materially diminished, which would be of importance to the Crown in the event of any such rights being commuted, as suggested in the 31st Report to Parliament, a copy of which I have had the honour to receive from you." Do you think that is a fair policy to adopt towards the commoners in the forest?—I think it was good advice for the deputy surveyor to give to his employers; but he had better have done it *vivâ voce*.

356. Has that policy ever been repudiated by the Woods and Forests?—I do not see how it could. By the Act of Parliament we must take the land best adapted for the growth of timber; that is the first thing, the most convenient and best adapted for the growth of timber; and then after that comes, "that can be best spared from the commons and highways"; but we were to take the land best adapted for the growth of timber.

Lord Henry Scott—continued.

357. Do you mean to say that the interests of the commoners are not in any way to be considered in selecting the land taken?—The interests of the commoners were protected by the Act of 1851.

358. In what way?—They were to exercise their commonable rights over 47,000 acres; that was all they were entitled to.

359. But they had a right to exercise them over a larger number of acres before the Act of 1851?—That might have been, but then the Crown also had its deer before 1851.

360. Do you think that the power to inclose 16,000 acres was not an equivalent, or more than an equivalent, for the right of keeping deer?—Most decidedly not, in my opinion; I think it was the worst bargain ever made.

361. What profit were the deer to the Crown?—If you ask me whether a herd of deer is a profitable stock, I say certainly not. If you were to ask any gentleman whether he made any profit out of them, he would probably tell you no; but if you said to him, "For some public object it is desirable that you should get rid of them; I suppose, as they are not profitable to you, you will let them go for nothing?" he would probably say, "Most decidedly not; those deer came down to me with my estate, perhaps from the Conquest; I like looking on those deer as much as I like looking on the pictures on my walls; and as I am content to give up the interest on the purchase-money that I lose by keeping those pictures, so it is with my deer; they may not be profitable, but, if you ask me, I will not part with them on any account." It is a sentimental value, in fact, which is incalculable to a private landowner.

362. Have not the Sovereigns, for many ages, ceased to derive any enjoyment from the deer in the forest?—I dare say the Prince of Wales would have preferred very much that the deer should have remained; he is very fond of sport; a great many people have said to me, "I think it was a great mistake getting rid of the deer in the New Forest."

363. Was there any petition ever presented by anyone of the commoners to have the deer removed?—I do not know as to a petition, because I had nothing at all to say to the New Forest at that time, and I, therefore, cannot say what petitions were presented in 1849, or whenever it was, before the Deer Removal Act.

364. But can you mention any one single petition ever presented by any one of the commoners for the removal of the deer?—No, I cannot, because, as I say, I know nothing at all about the evidence that was given at that time; I have never seen it, and know nothing at all about it. I believe that the Committee has a copy of the evidence.

365. I see in the Paper handed in by Mr. Watson, the solicitors bill, at the time of the passing of this Deer Removal Act of 1851, on the 14th of June, there is this entry: "Attending at the Office of Woods, requesting to be furnished with a copy of a memorial presented to the Queen against the removal of the deer"; do you know from whom that memorial emanated?—No, I do not; I really know nothing at all about that matter.

366. Could you produce that?—I have no doubt Mr. Watson could; but I have never seen the evidence, and was not in the office at the time;

Lord Henry Scott—continued.

time; and though I was in Parliament, I did not take any interest in the New Forest at that time.

367. The motion to remove the deer originated with the Office of Woods, not with the commoners?—I always understood that it originated with the proprietors in the forest, who were put to great expense by the deer; their crops were injured; they were obliged to spend double what they otherwise need have done in fencing, and that led to a great deal of complaint.

368. You are not disposed to repudiate this sentence of Mr. Comberbatch's letter of the 31st of December 1853?—No, I do not repudiate it; I only say it had better not have been printed.

369. Do you mean to commit yourself to this statement, that the Crown should exercise the right of inclosing 16,000 acres, "because, exclusive of other advantages, by so doing all the best pasture would be taken from the commoners, and the value of their rights of pasture would thus be materially diminished"?—In answer to that I say, that the Crown officers are bound to take the land best adapted for the growth of oak; and the land best adapted for the growth of oak is certainly that best adapted for pasture.

370. Would you not consider that the rights of the commoners ought to be considered in taking the land that is selected?—I was not in office at that time; but I suppose it was considered that the rights of the Crown were first to be considered.

371. You have stated yourself that you recommended that an inclosure should be made of the forest, and that the rights of the Crown and commoners should be ascertained, and compensation given to each in satisfaction of those rights; therefore, if all the best land were obtained for the Crown, the rights of the commoners would be materially diminished, would they not?—In the New Forest, the Committee must recollect that the rights of the Crown are paramount over the rights of the commoners, that when the Crown kept deer there, the Crown had the right of keeping an unlimited stock of deer, and had the right of depriving the commoners, if it liked, of any pasturage whatever.

372. In what manner?—By keeping such a stock of deer that the commoners could not get pasture for their cattle.

373. But was it not a fact, that the amount of deer kept in the forest was limited by the amount of pasturage that the deer had?—And then, if the Crown kept its full stock, where was the pasturage for the commoners' cattle to come from? And the Crown had the power to keep an unlimited stock of deer.

374. But is it not the fact, that from 2,000 to 3,000 deer died annually in the forest?—No; I have read in one report that in one year several died; that was many years ago; the Commissioners of 1789, I think, mention it.

375. I think it is already in evidence that the deer died by thousands?—It may be; but that is the only statement I have read as to the death of a considerable number of deer in any one year.

376. But the commoners have stated, have they not, that there was as much pasture for their cattle during the time the deer were kept; in fact, more than they have now?—They may have done so.

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Lord Henry Scott—continued.

377. You have talked of the rights of the Crown as being paramount; what do you mean by the word "paramount"?—I consider that the right of keeping an unlimited stock of deer, so as to deprive the commoners of any pasturage whatever, is a paramount right.

378. Does it not rather mean a paramount right in this sense, that it is a right which has the precedence, or first claim?—Well, I am not lawyer enough to go into the legal construction.

379. You understand the legal position of the Crown in the forest, I suppose?—As I am informed. I am informed by the legal authorities that the Crown's rights are paramount, and I take it for granted that they are correct.

380. Do you think it extraordinary that the commoners should be very much alarmed when they found that all the best land was being inclosed in the forest, and that it was also recommended that there should be a general inclosure; and do you not think that they would have very good cause to be alarmed if this statement were before them, that the best pasture was to be taken from them, and their rights diminished, and a recommendation also made on behalf of the Woods and Forests, that there should be a general inclosure?—I dare say they may be alarmed; I cannot answer for what their feelings may be.

381. Do you think they have very fair reason to be alarmed?—No, I do not think they have.

382. Do you admit that the commoners have any rights in the forest?—Yes, subservient to the rights of the Crown.

383. But they have concurrent rights, have they not?—No, not concurrent, if by "concurrent" is meant equal rights of joint ownership, that we deny.

384. But are not their rights virtually statutable rights?—They are now, because they have been adjudicated upon by a Commission under an Act of Parliament, and there is a register of all claims and the decisions.

385. Were they not virtually made statutable by the Act of Will. 3?—That is a legal question which I cannot answer.

386. You know that they were registered in the time of Charles the Second?—I believe there are some doubts about that as to how far they were registered.

387. Is there not a book called the Book of Claims?—Yes; but I do not know whether that is considered very good authority.

388. Is it not as good as a title deed?—I am not certain about that.

389. So you have never been able to make any comparison of the claims in that Book of Claims, with the register made in 1854?—I have never had occasion to look into that, because the claims were all adjudicated upon and decided in 1854; and I do not see for what reason I should have troubled myself to go back to the claims of 1670, except as a matter of antiquarian research; I will look into them when I go back.

390. Are you aware that it has been stated that the value of commoners' rights is to the extent of half the forest?—It may have been so stated.

391. You have heard that it has been stated, have you not?—I believe it has; I cannot say where.

391*. You quoted the compensation that has been granted to the Crown in the forests of
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Woolmer and Hainault, and Alice Holt, as being very considerable?—Yes.

392. Were there any common rights in Woolmer?—I believe so.

393. Were they not of a very trifling nature? I do not know whether they were; I cannot say without reference.

394. Would not the amount of compensation granted in Woolmer Forest, depend to a great degree upon the amount of common rights that existed in that forest?—I suppose it would; but all those questions it is impossible for me to answer; as to how much any commoner in any forest may have been entitled to; that is a judicial question left to the decision of the Commissioners appointed. I am not able to give an opinion as to what the value of the commoners' rights in any forest might be.

395. But you stated to the Committee just now, that you thought the commoners in the New Forest had no right to complain in regard to the amount of compensation granted to the Crown in lieu of the deer, and you stated also that the Crown had received larger compensation for its rights in other forests?—Yes, I did; that is a matter of fact.

396. Therefore, as a matter of comparison, is it not desirable to know what the rights of common were in those other forests where the Crown received a larger compensation in proportion than they did in the New Forest?—I suppose that would be easily ascertainable; I cannot give it now.

397. Do you know anything about the rights of common in the Forest of Dean?—Yes.

398. They are not very large, are they?—I do not think they are so extensive as they are in the New Forest; they are not quite so much exercised, I think.

399. Do you think that the Crown is in a better position now in the New Forest under the Deer Removal Act than it was when the deer were there, or not?—Certainly not; I should say, as far as my own opinion goes, I think the Crown would have been in a far better position if the Deer Removal Act had never been passed.

400. Then you do not consider that the plantations in the New Forest are at all more profitable to the Crown than the deer were?—Well, I certainly hope that the plantations will be more profitable.

401. You said you did not know whether the deer were a loss or a gain to the Crown?—No; I merely said as to the question of value, that it is a sentimental value, that is incalculable. There is in Lord Bagot's park a herd of black and white goats about as profitless, as mischievous, and stinking a lot of animals as ever you could see; and if you were to ask him what compensation he would take for getting rid of those goats, which descended to his family from, I think, Henry IV., he would tell you that nothing on earth, no compensation would induce him to get rid of them; and a more mischievous lot of animals you cannot conceive. So that you cannot put any value upon what is an incalculable value.

402. Is it not material, when a question of compensation is considered, that the amount of that compensation should be considered in estimating what its value is?—Yes, I suppose so; that would be a question for the valuer.

403. If the plantations in the forest would

Lord Henry Scott—continued.

yield, we will say, an average of 1,200 *l.* a year, as against nothing that was produced by the deer, would you not consider that a pecuniary compensation in point of value?—I do not say that it is not.

404. And may you not expect the plantations from the forest to pay more eventually to the Crown?—I hope they will; but I should like to see the Crown with more plantation than it has been allowed to inclose. We have been stopped before we have got half the inclosures that we are entitled to.

405. Do you not receive actually now for the licenses to shoot in the forest, between 700 *l.* and 800 *l.* a year?—About that, I think.

406. In fact the letting of shooting licenses in itself would be more than an equivalent for the value of the deer?—Yes, I dare say it would, but not for the value of the right to keep deer.

407. Was it necessary to reserve the forestal rights of the Crown in the Act of 1851 in order to enable the Crown to issue shooting licenses?—I do not suppose it was; but the forestal rights were very properly, as I think, reserved in 1851.

408. What are the forestal rights expressly attached to now?—They might be exercised, I think, very much to the advantage of certain persons in the forest. Of course when the deer were removed, other beasts of forest and chase still remained in the forest. Now, a hare is a beast of forest, a fox is a beast of chase, partridges and pheasants are fowls of warren; and if I were a licensee of the Crown shooting, and not Commissioner of Woods, I might ask the Commissioner of Woods to enforce the fence month for the protection of the game; for I am sure it would very much improve the shooting.

409. In what way?—Because if the young birds are about just at that time, all the cattle are treading on them, and driving them about; and the quieter you can keep the forest, or any cover, at that time, the better.

410. Are there any birds at all in the open forest—A very fair show, I hope.

411. But you have the power of shooting in the inclosures, have you not?—I did not shoot in the inclosures.

412. The birds in the forest are found in the neighbourhood of the cultivated lands, are they not?—I have never found them on the cultivated lands.

413. In the neighbourhood, I say, of cultivated lands?—No, I think I have found them as much in the centre of the forest and round the inclosures, as in the cultivated lands.

414. Have you ever heard of the cattle doing damage to the game in the forest?—I do not say that I have heard of the cattle doing damage; but they are very likely to do damage, and I believe they do; I think the deputy surveyor will tell you so.

415. Do you think that the exclusion of cattle in the fence month is necessary to preserve the game?—It would be a benefit.

416. What game?—Black game, pheasants, partridges, a few hares.

417. Would not the Crown have the same right as any other proprietor would have in the forest to its game, as lord of the manor, without its forestal right?—Well, that is more a legal question, and one, I think, for the solicitor of the department to answer, rather than for me.

418. But

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418. But you are acquainted with what rights ordinary lords of the manor have; if the forestal rights of the Crown have been entirely done away with by the Act of 1851, the rights of lords of the manor would have preserved to it the rights of game, would they not?—I suppose they would.

419. The fence month, I suppose you know, had simple reference to the deer, and to the deer only?—It had reference principally to the deer; but there is no reason why it should not have had reference to all the other beasts.

420. Do you know of any instance where the fence month was enforced during the time the deer were in the forest?—I believe it was once, but I cannot recollect.

421. You could not state that as a fact?—No, it has not been exercised for a very long time.

422. Was not the first effort made to enforce the fence month made immediately after the passing of the Deer Removal Act?—I think it was.

423. Was there not a notice issued immediately after the passing of the Deer Removal Act?—I think there was.

424. The commoners therefore would naturally imagine that the fence month was to be enforced after the deer were removed, when, in fact, it had never been enforced when the deer were there; is not that so?—I think that was done at the suggestion of the verderers, Mr. Compton and Mr. Mills; I am not quite certain; the deputy surveyor will tell you about that.

425. Do you claim the power to sell portions of the waste of the forest free from common rights?—Yes, I have the power to do so under Act of Parliament.

426. Is that the 10th of Geo. 4?—Under the 10th of Geo. 4.

427. Section 98?—I think it is Section 98.

428. To what extent can you make those sales?—Up to 1,000 £, I think.

429. Is there any limit to which you might exercise that power?—That I do not know; it has not been extensively exercised; we have sold very small portions of land in the forest, very little since 1848; the greatest amount of land sold was for the railway, and for paying the expenses of the Commission in 1854.

430. But can you state any amount of land sold besides that for the railway?—No; there was a return put in, I think, before the Committee of the House of Lords in 1868, as to the lands which had been sold and exchanged; but I have not got it.

431. Could not this power be used for the sale of nearly the whole forest by degrees, free from common rights under that statute?—Well, I suppose there is nothing to hinder one from doing that except that one would not carry it out.

432. Is it not rather a question whether that is a really legal power to sell land free from common right?—No, I have never had that raised; it has never been questioned.

433. There is a balance, is there not, of money left over from the railway money?—For the drainage? Yes; we had invested on the 31st of March in the reduced annuities, 5,600 £, and then there is cash 401 £. 6 s. 9 d., that is the balance.

434. Do you object to spending any more of that money for the mutual benefit of the Crown and commoners?—Yes; because it would be for 0.100.

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the benefit of the commoners alone now that the deer are removed; before, it was considered, when the deer were there, that the deer were benefited by the drainage of the land; but now that the deer are gone it would be for the sole benefit of the commoners.

435. Did not the Committee of the House of Lords in 1868 say that the commoners should not bear the sole loss upon the drainage, which was badly done?—The Committee of the House of Lords recommended that the drainage should be improved; and we have since that recommendation laid out upwards of 1,300 £. in deepening and widening the water-carries, and in re draining; about 1,308 £. altogether.

436. Do you know in what part of the forest that has been done?—In Bulmer Lawn and Alum Green, various parts of the forest; and a large main carry from Burley to New Park; but Mr. Cumberbatch has a plan showing the drainage that was repaired.

437. Would not the commoners be entitled to some consideration out of the money that is derived from the sale of lands freed from common rights?—It is not specified in any Act, and I am not aware of any lord of a manor sharing with his commoners any money that he got from the sale of his wastes.

438. But the Crown would not have the power, would it, of disposing of the common rights over any portion of the wastes of the forest?—The Crown sells portions of the wastes of the forests.

439. But the common rights would exist over those wastes all the same, would they not?—I do not know how far that may be. I suppose not, because certain small pieces of land have been inclosed; the commoners have not objected, and the people who have purchased have inclosed these small bits, so that they must have deprived the commoners of their rights.

440. You said with regard to the Commission, that the Commission in selecting their inclosures had always attended to any remonstrances made on the part of the commoners against them?—Yes.

441. Was that previous to 1867?—I do not know that many remonstrances were made previous to 1867; it was at that time that the remonstrances principally began.

442. Can you state the usual practice of the department with regard to the selecting of inclosures?—The deputy surveyor selects what portions of the forest he thinks it would be advisable to inclose, and he then submits them to me for my approval, and then they are submitted to the Commissioners at their meetings.

443. Previous to 1867 no public notice was ever given, was there, of an inclosure?—I do not think there was. It was supposed that all, or a very large majority, of the Commission being commoners, it was hardly necessary to issue notices; they were perfectly aware on the part of the commoners what was going to be inclosed, but directly it was suggested that notice should be given, it was very readily granted.

444. Are not the verderers in a certain degree, being forest officers, officers of the Crown too?—They have to administer equal justice, I believe, between Crown and commoners; they are neither officers of the Crown specially, nor of the commoners specially, but for the protection of the interests of both.

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445. You

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445. You have proposed some very large inclosures, have you not, of late years?—There were some large ones proposed at one time, but they were proposed of course subject to boundaries being reduced. We did not expect that the whole of that large extent would be inclosed, but the Commission had an opportunity of reducing the extent of them if they thought fit.

446. Did not those inclosures include nearly all the old woods; and did not most of them comprise old woods?—Yes, and on purpose to preserve those woods, and in order to rear young trees to replace them when they go, which I am sorry to say they will before very many years are over, if the present policy of not allowing these places to be inclosed and replanted, but having them still left open to the commoners' cattle, is followed, in the course of less than 100 years Mark Ash will be a treeless waste; there is hardly a sound tree there, and not a single young tree springing up, because it is open to the commoners' cattle; the trees are blowing down, and are very decayed, many of them. It is the most beautiful bit of ground in the world; and we proposed to inclose it, in order to preserve the old timber, and also to produce young trees.

447. Is not Denny Wood the first old wood that has been inclosed that has not been cut down?—Not entirely; I think there is no inclosure of late years that has been entirely denuded of timber. Many of these inclosures had no timber at all on them to begin with; they were nothing but poor land which we were obliged to take, because it was thrust upon us, but not having a tree upon it.

448. Is it not inconsistent with the experience of anybody connected with the forest, that any old woods have been inclosed except where they have been cut down?—I am not aware of any fine old wood having been cut down, except as I say, in an inclosure where under the Act of Parliament we were told to provide for the expenses of the inclosure by cutting timber in the inclosure. But instead of doing that, I did what I believe I really am not authorised to do by Act of Parliament, which was to leave the finest clumps in the most conspicuous places for ornament, and to renovate the forest.

449. You are not speaking, of course, of your own experience in that matter; you are only speaking of what has been done since you were in the office yourself?—Since I was in the office.

450. But I am alluding to what has occurred since the Deer Removal Act. Is not Denny Wood the only wood that has ever been inclosed as a standing wood, and not cut down?—I am not quite sure about that. I rather think you are right; but the deputy surveyor will answer that better than I can.

451. You say that clumps of fine trees are left in inclosure; could you state where they are at all?—There is a very good clump left (I was there the other day and saw a lot of young trees growing up), in King's Garn Gutter; there is a beautiful lot of young trees growing there. Then Viney Ridge, I think there are some clumps there; and in Rhinefield; in fact, in all the rising ground where there are any fine trees we keep them.

452. Was not that clump in Wood Fidley which was left, the subject of some letter or recommendation to the office, asking that it should not be cut down?—I do not recollect that.

Lord Henry Scott—continued.

453. If it was the general experience of those connected with the forest that every old wood that has hitherto been inclosed has been cut down, it would not surprise you very much, I suppose, that they should express great anxiety when they heard that nearly every old wood that remained in the forest had been asked for inclosure?—Yes; but I think the gentlemen of the New Forest Defence Association had better have waited till they actually knew whether they were intended to be cut down, instead of charging the Office of Woods with going to cut them down.

454. You stated that you did not believe you had the power to cut down, except for that purpose?—It may be a question under the Act whether, when you take land in to inclose, you are not obliged to cut all the trees and replant it.

455. Has not the deputy surveyor himself recommended, as a matter of policy and economy for the best management of the forest, that wherever an inclosure should be made the trees should be cut smack smooth, and that it should be replanted?—There is no doubt of that, where you have got a lot of scrubby decayed trees; they may be very picturesque and wild, but it will be merely throwing money away, inclosing that and replanting, unless you cut those trees down.

456. And yet you have stated to the Committee to-day that you had great satisfaction in seeing the flourishing state of the self-sown timber in those inclosures where the trees had not been cut?—Yes, because they are under the fine trees.

457. Would it not have been as good a policy to inclose these ancient woods for the purpose of allowing them to sow themselves, rather than go to the expense of cutting them down for the game?—No; I think the oak grows very much faster with the Scotch nurseries, and with the regular system of planting, than it would if there were seedling trees thinly scattered over it, as there would be in parts of these inclosures where there was not much oak.

458. You talked of simply cutting the scrubby bad trees, as if the old portions of the forest that had been inclosed for the purpose of planting grew nothing but those scrubby trees?—I do not say that, but there was a great deal of scrubby timber.

459. You have often heard of Frame Heath?—I have heard of it.

460. Was it not reported to be one of the finest woods in the forest?—I am not aware of that; would your Lordship tell me when it was cut down?

461. In 1852; it is put down in the map before me?—I know nothing at all about that; my predecessor had better come and answer that question.

462. You recommended to the Commission, did you not, that Hawk-hill Inclosure should be cut?—Yes.

463. That proposal to the Commission comprised 1,082 acres?—It was a large proposed inclosure.

464. Had they not actually begun to cut the ancient wood down there?—I am not aware that they had; I did not see that; I had not seen the inclosure at that time.

465. That was an inclosure that I think I myself personally entered a protest against?—It was.

466. And

Lord Henry Scott—continued.

466. And the line was altered?—The line was altered.

467. You do not know whether they had actually begun to cut the trees?—No.

468. But if they had begun cutting the trees, that would be an instance of an old wood inclosed which was begun to be felled?—I do not say that some old trees would not be cut in an inclosure where old timber was; that would be a question of discretion for the deputy surveyor to exercise.

469. I mean a clearance; had they not begun an absolute clearance, cutting every tree as it came?—I do not know that they had.

470. Did not that inclosure intersect an old trackway between Pennerley Lodge and Lady Cross?—It might.

471. There was no respect shown in that instance to the ancient highways of the forest?—That was one of the highways included.

472. That highway would have been absolutely barred if that inclosure had been made?—Well, I am not quite sure of that; there might have been provision made for leaving the gates open.

473. But there was no provision, I think, originally made in regard to that highway, was there?—I forget what occurred.

474. But you have refused, have you not, to allow the gates to be left open at the end of what may be considered ancient highways?—We are obliged to. There is no desire to exclude the public, but we must exclude the commoners' cattle, and therefore we must lock the gates; if the gates are not locked, they go and turn their cattle in. There is not the slightest intention of excluding the public; I only hope they will go and enjoy the forest as much as I do myself.

475. If they find the gates of the inclosures locked during the whole of the summer, does not that materially exclude them?—No, they can get over the fences; and if they went to the deputy surveyor and applied for permission to have a picnic, he would let them in with pleasure.

476. But the inclosures are left open during the winter, are they not?—No, I think not; we found some gates locked when I was there the other day, and found some difficulty in getting over them.

477. Is there any greater danger from the cattle in summer than in the winter?—Just as much.

478. Have you ever had any cases where you have prosecuted persons for turning cattle into the inclosures?—I do not know.

479. I suppose the deputy surveyor could answer that question?—Yes. When I was by Wood Fidley the other day some cattle got in, and I asked the deputy surveyor how they got in, and he said that probably the gates were left open by some of the hunting gentlemen, and these ponies had taken the advantage (which they do directly, for they are very cute), and had got in; it is very difficult to get them out when they are in.

480. Did you ever select any inclosures in the forest, and advertise them yourself without consultation with the commission?—I do not recollect its having been done.

481. Did that never come up before the Commission itself?—No, I think not.

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Lord Henry Scott—continued.

482. With regard to that Bill of 1866, in which you took a power to repeal Clause 9 of the Act of 1851, would it not have been well to have given some notice of the intention to repeal that clause?—I do not know that it was necessary.

483. But you have talked of the Bill of 1851 as a distinct bargain with the commoners; you said that you considered it a distinct bargain with the commoners; would it not have been, to a certain degree, material to them that, if you took away a clause from that Act which gave them special privileges, they should have some notice of it?—Which clause?

484. In a clause of the Bill of 1866, you took power to repeal Section 9 of the Act of 1851, which gave power with regard to the issue of licenses by the Crown?—Yes; I think it was merely transferring the power of granting these licenses from the Queen to the Commissioner of Woods.

485. Did it not make the whole difference to the persons in the forest, that whereas in former days, under the Act of 1851, they had their licenses granted to them by Her Majesty, and that at a nominal sum the transference of this power to the Office of Woods was immediately made the subject of a large money consideration?—It was considered advisable to get a money consideration for what was really of considerable value. I know no license so cheap as that 20*l.* license in the New Forest. I know no place where one can get such shooting for 20*l.* as you can in the New Forest, if you have good legs and good dogs; it is the best sport I have ever had.

486. With regard to licenses, were they not originally granted to persons connected with the forest, and that forest alone?—I think they were originally.

487. And now they are allowed to be granted to anybody?—Any respectable person.

488. Strangers from any distance?—Yes we do not allow pot-hunters there, if we can help it.

489. Persons from Manchester, or Liverpool, or the North, or anywhere, get the licenses now, do they not?—If he is a respectable man.

490. But have not people had licenses to shoot in the New Forest who simply come and reside just for the time being for the purpose?—I think that they generally reside in or near. I do not know of any residing at any distance just now.

491. Then the difference was this, that the power which was vested in Her Majesty by the Act of 1851, by that 9th clause, was vested in the Office of Woods by the Bill of 1866?—I think so.

492. And the moment it became vested in the Office of Woods, it immediately became a valuable money consideration?—Yes.

493. And it is now valuable to the extent of between 600*l.* and 700*l.* or 800*l.* a year, is it not?—Yes, about that.

494. Was it not originally intended to give a lease of the forest when that Act of 1866 was passed?—There was the power taken to lease, I think; and then it was represented that those who were resident there might be damaged if leases were granted, and people preserved very highly; that their estates might be damaged by the game; and so we gave up that power to lease.

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495. Was not that altered in consequence of a petition that was presented to the House of Lords?—I am not certain whether it was in the petition or not.

496. Was it not quite by accident that the commoners discovered that this 9th clause of the Act of 1851 was sought to be repealed by the Bill of 1866?—I do not know whether it was by accident, but I do not see how the commoners were exactly interested in it, unless some gentlemen commoners had a license to shoot.

497. You have talked of the Bill of 1851 as a distinct compact and agreement; would it not be material if the repeal of a section gave to the Office of Woods a money compensation; would it not be considered a breach of the compromise?—I do not think it would. The bargain was simply about the power to inclose 10,000 acres; shooting licenses might not have been taken into consideration. The main point was the power to inclose 10,000 acres in lieu of the deer.

498. But the 9th section of the Act of 1851 was not in the original Bill, was it?—I do not know.

499. You are not acquainted with that?—No, I was not acquainted with that fact.

500. You said that you did not know how many persons had licenses in the forest who lived outside the forest, did not you?—No, I could not say without referring.

501. Do you not think that those who are most interested in the forest game are those who live in its neighbourhood, and who rear the greater portion of the game which finds its way into the forest?—I dare say they are.

502. Then if strangers come from a distance to shoot over the forest, you would perhaps, if you were in that position, consider it rather an injury than otherwise?—No; I do not think they interfere very much; it is a very large tract.

503. Should you have any objection to confining the number of licenses to those who are living actually in and about the forest?—Then they must pay higher for those.

504. Why?—Because we get a considerable sum from a large number of licensees.

505. But you are restricted, are you not, as to a certain number; you may not issue more than a certain number, or less than a certain number?—I forget whether it is limited; I do not think there is any restriction.

506. Would it not be fair to give those who live in the forest a preference over strangers, and to say that if there were a certain number of licenses taken up in the neighbourhood of the forest, no more should be issued?—If they are willing to pay for the licenses in proportion.

507. You would not charge them more than you would strangers, would you?—We want to get as much as we can out of the forest; it does not pay so very well.

508. Then in that respect you would not think that those neighbouring proprietors, who rear a very considerable stock of the game which is found in the forest, are more entitled to consideration than persons who live at Liverpool or Manchester, or anywhere else?—I am always delighted that the neighbouring proprietors should take licenses out; some do, and some do not.

509. Do you know that some do not take licenses out on principle, because they believe

Lord Henry Scott—continued.

that they have been hardly treated by the repeal of that section?—I was not aware of that.

510. Then you have no recommendation to make to the Committee other than that recommendation that there should be a general disafforestation and inclosure, or that you must carry out the Act of 1851 in its full integrity; you put those two alternatives before the Committee?—Yes, either to carry out the Act of 1851 in its integrity, or to have a general disafforestation. Those are the only two things that I can recommend. First and foremost a separation of the rights of the Crown and the commoners; then let Parliament deal with the allotment of the Crown in any way Parliament thinks fit; but first of all separate the rights of the Crown and commoners.

511. The other alternative to that is to carry out the Act of 1851 in its integrity?—Yes.

512. What do you consider "carrying out the Act of 1851 in its full integrity" to be?—To perfect and complete these inclosures, now nearly about 5,000 acres, that remain to be inclosed, and then to continue as the inclosures get past danger from cattle, to throw out so much and to take in so much more of the waste.

513. In fact, you mean by "carrying out the Act of 1851," to exercise what is commonly known as the *toties quoties* power to cover the whole forest with woods?—Certainly.

514. And what would the value of the commoners' rights be if that were done?—I say that the commoners will always have 47,000 acres over which to exercise their commonable rights. There would be, of course, a good deal of that pasturage under the trees, and the pasturage under the trees is not good, any part of it; it is bad at the best, and any of the pasturage of the New Forest, for it is a wretched, miserable soil; but they still would have a better pasturage in a great deal of these inclosures than existed before the inclosures were made. There is a good deal of the forest, if you go over it, which is covered with what is locally called bed furze, and a great deal of sour sedge grass, and some ferns, which nothing will eat; the cattle do not touch it; that is destroyed by the plantations; and when they are thrown out, there is a certain amount of grass; it is better than there was before, but bad is the best; and I think the deputy surveyor will tell you the same thing.

515. Do you think that there is any pasturage in the inclosures that have been thrown out that have been planted under William the Third Act, which is worth 5s. an acre?—I am not sufficient of a valuer to put a value upon it; I should think very little of it is worth that. As I mentioned in the House of Lords Committee, I got 5s. an acre for the pasturage in Salcey Woods in Northamptonshire; but there you have got better soil and a better herbage; and if you have got 5s. there you might perhaps get 2s. 6d. in some of King William's plantations; I would not give it myself, but others might; I would not turn my own cattle into the forest on any account.

516. Speaking from your own experience, is any part of that worth 2s. 6d. an acre?—There is very little of the New Forest worth 2s. 6d. an acre altogether; at least a good many thousand acres are not worth 6d. an acre; and in fact, if they had not been so valueless they would not have remained in existence, at this moment, just in

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in the same state as they were in the time of William the Conqueror.

517. Do you agree with Mr. Clutton's valuation when he states that 30,000 acres of the land is very poor land, and almost worthless?—So it is.

518. And of the 30,000 acres that remain how much is covered now with timber?—Twenty-four thousand acres odd.

519. That is 24,000 acres odd out of 30,000 that would remain of nearly the best land of the forest?—That 24,000 acres would be out of about the best of the land, I suppose.

520. Then that leaves 6,000 acres only of good land open for the use of the commoners at this moment?—Well, the commoners' cattle do pick up an existence on all the rest of it.

521. But in round numbers there is about 6,000 acres of land which may be considered a fair value left open to the commoners?—Then there is a good deal of good land; they have pasture under the trees in the timbered land.

522. Do you not consider that that is a fair proportion of good land which should be left open for the use of the commoners?—Yes; I do consider it so.

523. Still you have proposed, have you not, to inclose nearly the whole of that 6,000 acres of good land?—Well, I hope we shall inclose the land best adapted for the growth of timber, which is what I am instructed to do by the Act.

524. To make the same complete, if you inclose that 6,000 acres which remain to be inclosed, you would just leave open for the use of the commoners the 30,000 acres of open heath and poor land, would you not?—Well, there would be a good deal of open heath, I have no doubt, and some good land too.

525. Would not that materially diminish the value of the commoners' rights?—The commoners' rights are regulated by the Act of 1851. That Act gave the Crown the power to inclose 10,000 acres, and those 10,000 acres to be taken out of the land best adapted to the growth of the timber. The Crown cannot have its cake and the commoners eat it too, that would never do.

526. Do not you think when the words "may be best spared from the commons and highways of the forest" are in the section, some regard should be paid to what can be spared from the commons and highways?—Yes, but that comes afterwards. The words the "growth of timber" precedes the other words, and I think in the interests of the public, one ought to take the land that is best calculated for the growth of timber.

527. Do you positively object to take the poorer land?—No, we cannot object: we are obliged to take it because we cannot take under 300 acres at a time; and in the New Forest you must get a lot of bad land with some good if you take in 300 acres.

528. You have not very much land inclosed that is not fit for the growth of oak, have you?—A good deal, I am sorry to say.

529. Do you not think that the exercise of the rights of common in the forest is materially diminished in proportion as the best land is taken away from it?—Of course, as I say, they cannot have the pasturage in these inclosures on this land if the Crown incloses it; but that they knew perfectly well at the time of the passing of the Deer Removal Act. I suppose no one is

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shrewder and knows better what an inclosure fence means than a New Forest commoner; and no man knows better what a block of 500 acres is than a commoner, and he can multiply 500 acres by 20; and they must have known perfectly well when they made that bargain what they were to expect when the 10,000 acres were inclosed.

530. But I was going to ask you if you could state to the Committee whether at the time of the passing of the Deer Removal Act any inquiry whatever had been made into the value of the rights of the commoners?—I do not know that any had; they had full opportunity before the Committee to state all their grievances, whatever they might have been. They were represented by the ablest Parliamentary counsel of the day, and they had, as a representative, one of the hardest headed men I know, and one who looks after his own interests, and, therefore, would look after their interests as well as any man I know, Lord Malmesbury; and, therefore, I cannot understand how they can say that they were deceived at that time.

531. You have, I presume, seen a copy of the proceedings which took place before that Committee; were there not only two sittings of the Committee?—I do not know how many sittings there were.

532. You have seen the paper that as been presented of the sittings that took place then, have you not?—No; I have never seen anything connected with the passing of that Act.

533. No inquiry then was made into the value of the rights of the commoners till 1854?—I do not know, they were carefully inquired into then.

534. Parliament in reality was ignorant, was it not, of the value of the rights of common when that Deer Removal Act was passed?—I cannot say how far Parliament was acquainted with the value of the rights of common at that time; but, as I say, the commoners were represented by your Lordship's father, and by Lord Malmesbury, and also their advocate was the cleverest man of the day, Mr. Talbot; therefore I think they can hardly say that they were not well represented.

535. In what respect do you say that the Act of 1851 was a compact?—It has always been considered in the light of a bargain; and hitherto I think a bargain of that sort, whether it regarded the Crown or the public, or a private individual, when ratified by Parliament, has been looked upon as one of the best securities that anyone could have; and I hope the day is far distant when it will be looked upon in any other light.

536. In what respect do you consider it a bargain?—When one man gives up a thing that he considers valuable in respect of certain compensation from the other party, I look upon that in the light of a bargain.

537. But the only alteration that was made in respect of that Bill, from the form in which it was brought in when it passed, was the diminution of 4,000 acres of inclosure; is not that so?—Yes; 14,000 was the first figure.

538. Fourteen thousand was originally proposed?—Yes; that was the first amount.

539. What was the equivalent given for the abandonment of the 4,000 acres?—I do not know, because I was not acquainted with the proceedings of the Committee; I have never seen the evidence given before that Committee; I know nothing about it, except from what I have heard

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heard and read, nothing authentic. As I say I have never seen the evidence, and therefore I am quite unable to say. The only evidence that I am acquainted with, because that was produced, I think, before the Lords Committee, and has been very much commented upon, was Mr. Gardiner's evidence; Mr. Gardiner was a very able man, but he was not always correct, and he himself admitted before the Lords Committee that he was not correct in the evidence he gave at that time, and that he thought he had gone rather out of his province; at all events, whatever Mr. Gardiner's solitary opinion might have been, the framers of the Act of 1851 certainly did not share his opinion, because if you look at the last clause in that Act, whereas that is the usual clause in an ordinary Act of Parliament when the Crown is affected at all, which reserves the rights of the Crown, those who framed this Act, whoever they were, said, "That is not sufficient; we must have a special clause for the reservation of the rights of the Crown, so that there may be no mistake about them;" and they therefore inserted the seventh clause; that was, I suppose, put in at that time specially to preserve all the rights which the Crown had other than the right of keeping the deer.

540. But the 7th clause was in the original draft of the Bill when originally introduced, was it not?—It may have been, but it was evidently put in as a special clause.

541. Mr. Gardiner interpreted the 7th clause, to use his own words, that it left the Crown simply in the position of the lord of the manor, as owner of the soil and the timber; the commoners could only know what the intention of Clause 7 was at that time from Mr. Gardiner's interpretation of it?—That I do not know; but I say that the framers of the Act of 1851 certainly did not share his opinion, neither did the Commissioners of 1854, who were appointed to inquire and adjudicate upon the claims of the commoners, share it, because they were very express in regard to winter heyning and fence month; and I understand that the advocates for the commoners before that commission never alluded to the winter heyning and fence month having been reserved by the Crown. And stronger than all, I think, is this fact, the commoners themselves at that time, or very shortly afterwards, evidently knew very well that the rights of winter heyning and fence month were reserved by the Crown, because I received a memorial from the commoners in 1856, five years after the passing of the Act, in which they make no allusion whatever to having been deceived. The memorial is dated the 6th February 1856, and in it they say, "We, the undersigned householders, landholders, and owners of cattle residing in the neighbourhood of the New Forest, most respectfully beg leave to submit to your Honor the inconvenience and injuries the owners of cattle sustain through being compelled to take in their cows and heifers during the winter months, that is to say, from the 22nd day of November till the 4th day of May. Your petitioners most respectfully beg leave to express their belief that the cattle, instead of being injurious, would prove highly beneficial to the soil and produce of the New Forest; and your petitioners further beg leave to intimate to your Honor their willingness to pay a moderate sum per head for the

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privilege of turning out their cows and heifers during the winter months, which would not only be an advantage to them, but productive of considerable revenue to the Board of Woods and Forests. Your petitioners, therefore, humbly solicit," and so on. Do you suppose that if the commoners had then thought that they had been unfairly treated in 1851, and did not know that these rights of fence month and winter heyning had been reserved by the Crown, they would not have represented that as a hardship in their petition to me, and made use of it as an argument why I should more readily grant their request, if they had been unfairly treated. And again, in 1859, there was a memorial from commoners of the New Forest to the Lords of the Treasury, signed by a great many to this effect: "The humble memorial of the undersigned inhabitants of the New Forest, whose signatures are attached hereto, as representing the entire and unanimous desire and request of the population thereof, humbly pleadeth, That your memorialists, in common with other inhabitants of the New Forest, have stock of horned cattle, which graze on the savannahs of the forest, and derive therefrom no inconsiderable part of their subsistence. That by a local regulation, of comparatively recent date, the liberty of grazing for such cattle has been restricted to the months of May, June, July, August, September, October. That the ostensible season for this restriction was that the grass of the forest was required for the deer, but the deer having been discontinued to be reared in the forest, and being now almost entirely extinct, that reason has no longer any existence for which to debar your memorialists from so reasonable a benefit of the districts in which they dwell. Your memorialists, therefore, respectfully, and earnestly solicit, and are sanguine of obtaining, the acquiescence of Her Majesty's present Government that the boon may be at once conferred on them of liberty being given to turn out their horned cattle during the winter months as well as during the summer; or failing their full acquiescence, that the only period of exclusion of the horned cattle from such grazing may be the months of March and April. Your memorialists further pray that this boon which they ask may be so granted as to take effect during this present winter; that instructions may be sent for that purpose, without delay, to the local administrators of the forest. And your memorialists will ever pray." And also, I think there was a Bill brought in, which Mr. Watson also referred to, in 1861, which was abandoned at the request of the commoners. There were a good many meetings about it; but in that case they asked to have the privilege of turning out during fence month on payment of a certain sum.

542. With regard to that Bill of 1861, was not there a meeting held at Lyndhurst at which the commoners were represented, and at which it was resolved to oppose the Bill?—There was, I believe, a meeting; I do not know the tenor of it.

543. That was, at all events, quite contrary to the unanimous desire of the commoners?—I understood that it was at the request of the commoners that it was abandoned.

544. There is a clause in the Act of 1851 which says that the commoners should hold their rights

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rights without payment; the Bill of 1861 was an effort to go behind the Act of 1851, was it not?—I am not aware whether it was so or not.

545. At all events it was opposed by the commoners, and withdrawn in consequence?—I think it was opposed by the commoners.

546. That was done at a public meeting held at Lyndhurst?—The Bill was not gone on with.

547. Do not you think the interests of the Crown might be well served in the forest by not inclosing any more land in the forest?—No, I do not. It is my duty, of course, to carry out the Act of 1851 as long as that Act remains on the Statute book; I cannot suggest any modifications of that Act; it is not for me to do so; I can only carry it out. As I say, the best way of getting rid of that Act is for Parliament to pass a disafforestation Bill, and separate the rights of the Crown and the commoners; and then you get rid of the Deer Removal Act, and all the trouble which it has given.

548. That means an inclosure?—Whatever may happen after the rights of the Crown and commoners are separated, it would remain for Parliament to decide how it shall deal with this property; it may, of course, deal with it in any way that it likes.

549. Your policy of inclosure is more or less developed in the Bill of 1871, is it not; the policy which you now recommend is virtually expressed in that Bill?—Yes, I think it is.

550. And that left to the public a recreation ground of 100 acres round Rufus Stone?—It left them those 100 acres that they might have for ever as a recreation ground. But at the same time I beg leave to tell the Committee that there is no intention whatever on the part of the Commissioners of Woods, certainly not on my part, to exclude the public from any part of the New Forest. Let them roam over the New Forest as much as they like. And with regard to the artists, the more they go there the better; and I can assure them that not one of their favourite trees shall be cut down. But I say, let them use the forest, and not abuse it, as one of our artists did some years ago in Dean Forest. There is a beautiful beech there, called the artist's beech, and out of the roots of that beech grew a very fine holly, and the two together formed a very pretty object. On my visit to the forest, I went to see this beech; I saw the holly was gone, to my great annoyance; I made strict inquiries about it, and at last I found out that an artist had been there sketching the tree; one of the best artists we have; but the holly interfered with a particular view of the bole of the tree, and he sent up to the nearest public-house for three labourers, who cut the holly down and faggotted it up. I saw the picture of the tree in the Exhibition. I found out who the artist was; he was very much surprised at his misdemeanour being detected; and all his excuse was that he thought, as I am afraid many other people think, that the Crown property was anybody's property, and that he might do what he liked with it. And now I say to artists, go into the forest and sketch these trees as much as you like, but do not cut them down; and I think I am justified in protecting the interests of the Crown and the public in saying that. There is no intention whatever of excluding the public or the artists from the forests; but at the same

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time I think, if the Committee will allow me to say so, in the national interests it is advisable that this privilege of the public to go over the forest should be allowed as an indulgence, and not claimed as a right. This happens to be, I may call it, a sentimental age; but we may get another age, like the age of 1848 and 1849, an economical age, and Parliament may say, "We do not think it advisable that such a fine large property as this should remain unproductive; we will put it into what an auctioneer would call residential lots; but who would buy any of the land, and give 6 *d.* an acre for it, if it was subject to the rights of the public roving all over it, even into the house the man had built?" Again, Parliament might say that it would be advisable to use this as a camping ground. How is the War Department to deal with that land if it is subject to common rights? It would be embarrassed at every turn. You must separate the rights of the Crown and commoners before you can deal with that land to any advantage.

551. Do you remember that in 1868 a proposal was made to the Committee of the House of Lords, that in any land which should be thrown open for the commoners' use there should be a certificate from one or more competent surveyors with regard to the state of the land so thrown open, and that they should satisfy themselves that the pasturage thrown open was sufficient compensation for the commoners before they authorised the projected inclosures to be made; and do not you think that would be a fair thing to be done with regard to the commoners in the New Forest?—There is nothing specified in the Act as to that.

552. I am asking you, not as to the Act, but as a matter of policy, do not you think it would be a fair thing to the commoners?—No, I do not think it is requisite to do so.

553. When you talk of 47,000 acres being always left open to the commoners, you do not take into consideration, in the slightest degree, what the value of those 47,000 acres may be to them?—No, I have no reason for taking it into consideration; they are to be thrown out, and whatever pasturage is in them is to be open to the commoners' cattle.

554. Do not you think, if there was due regard paid to the interests of the commoners as well as to those of the Crown in the forests, the interests of the two could go on concurrently together without collision?—Never.

555. Do you think the interest of the commoners must be entirely sacrificed to the interests of the Crown?—No, they would be equitably compensated, as they have always been in every case of disafforestation yet; I have never heard of a single case of complaint from any commoners in all those cases of disafforestation that I have mentioned.

556. That is, in the event of inclosure they would be equitably compensated?—Yes.

557. But in the meantime the value of the commoners' rights is becoming materially diminished?—Then the sooner they separate the better.

558. Is not the New Forest the one and only Royal Forest left in England that is not inclosed?—Dean Forest is not.

559. You have a Bill before the House for inclosing it, now?—There is the Dean Forest Act,

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Act 1875, for ascertaining and commuting commonable rights, &c.

560. Supposing Dean Forest to be inclosed, is not New Forest the only Royal Forest left in England which is not inclosed?—Dean Forest and New Forest are the two.

561. Looking at it as a great national property, do you think it desirable that this New Forest should be inclosed?—As to inclosure I say nothing; it remains for Parliament to deal with that after you have separated the rights of the Crown and commoners; separate them first, and then Parliament may do what it likes.

562. I do not think that is quite a reply to my question. I want to know whether you, as a matter of policy, as the Commissioners of Woods and Forests, think it is desirable that the New Forest should be inclosed with the severance of the interests of the Crown and the commoners which has been mentioned, and which the Bill of 1871 would do?—I think it is most desirable to separate the rights of the Crown and the commoners. I think the best thing, in a national point of view that the New Forest could be devoted to, would be what it is devoted to now, the growth of timber. As for cultivating lands, which average only 10 s. an acre, you would not get the interest upon the outlay for drainage and farm buildings, let alone rent altogether.

563. I did not want to ask that question; the only question I want to ask is this: whether, considering that the New Forest is the only old Royal forest left in England, it is desirable, in the interest of the public at large, that that forest should be turned into an inclosure?—Excuse me if I say, that your Lordship is taking a sentimental view of it. I cannot take a sentimental view, as long as those rights are intermixed as they are now. Separate them, and I will take a sentimental view with your Lordship, if you like, but I cannot do so now.

Lord Eslington.

564. I understand you not to recommend a general disafforestation, except in the event of your being disturbed in the exercise of the powers conferred upon you by the Act of 1851?—Yes.

565. You do not wish to see that disafforestation, I imagine?—No; I do not wish to see that disafforestation. I am perfectly ready to carry out the provisions of the Act of 1851.

566. And as long as you are allowed to do so uninterrupted, you are content to let matters remain as they are?—I should let matters remain as they are.

567. Has your attention been called to the recent Inclosures Acts?—To recent inclosures generally, no; I read in the "Times" yesterday, or the day before, a paragraph about a Report of the Inclosure Commissioners; but that is all.

568. We have been dealing here for a long time exclusively with two interests, the interest of the Crown and the interest of the commoners; but are you aware that Parliament in recent years has distinctly and broadly recognised a third interest, namely, that of the public?—I am quite aware of that.

569. And that the interest derived from public user is not only recognised, but compensated for largely in Inclosure Acts?—It may be so.

Lord Eslington—continued.

570. Have you ever heard that the public assert and maintain in those Inclosure Acts the right to recreation ground, for instance, in the neighbourhood of towns or villages?—Yes, I have heard that they do.

571. Cannot you, therefore, conceive that, if that disafforestation were to take place, very extensive claims of recognition of public user would be made by such places as Southampton, Lyminster, Lyndhurst, and Brockenhurst; not to mention smaller places, like Burley?—They might be; I dare say they would be.

572. Did you ever, in considering this scheme of disafforestation, take that matter into your notice?—Yes.

573. Have you ever attempted to form any estimate of the extent of that claim?—I do not know to what extent the claim may go.

574. I suppose you have a natural pride in the realm over which you reign?—Yes.

575. And do not you think that the people of England are proud of the possession of such a recreation ground as the New Forest?—I hope they are; and, as I say, the more they go there the better I shall be pleased. But as far as I know (and I have been over the New Forest as much as most people in the last 20 years), I cannot recollect ever having come across a picnic party, or one single party of pleasure in the New Forest, and nothing has astonished me more. I hope that plenty of them do go there and enjoy themselves, but I have seldom seen them.

576. Do you often go down in the summer?—I have been in the summer, but I am bound to say that I usually go more in the shooting season.

577. It is almost needless to ask this question, but is it not a fact that the whole of England at the present time can at any moment secure recreation, health, and good air in the New Forest undisturbed by anybody?—They would not be disturbed by anybody if they did not cut down the trees, if they committed no misdemeanour.

578. But as long as they conduct themselves well they may go there, and do what they please?—They may go where they like, and they will not go very far out of the high road, I can assure you.

579. Do you not think that the loss of that right would be regarded by the nation as a national loss?—"Right;" I do not like that word, "indulgence" let us say.

580. Is there not a very important limitation in the Act of 1851, which you have not very fully recognised, contained in the words "such spaces as can best be spared from the commons and highways of the forest?"—Yes, there is that limitation.

581. I want to ask you what is your opinion of the meaning of the word "highways"?—That is rather a legal question; I do not know that I am quite able to answer what is a highway.

582. Then I will ask you how far do you observe the highways of the forest, where are they, and what is the amount of them?—I think it is rather difficult to say what is a highway; the New Forest is such a large open space; there are many tracks there leading from one space to another; and I do not know what may be considered a highway, and what a mere drift way for the use of the commoners for taking their turbary, and so on.

Lord *Eslington*—continued.

on. I cannot state what are really the highways.

583. I should like to come to fact. You have been engaged in laying out and sanctioning a large number of inclosures?—Yes.

584. How have you regarded that question of highways in making those inclosures?—We have regarded that always, because it has been a question before the Commission as to the highways in two or three of the meetings, and the opinion of the law officers was taken at one of those meetings as to stopping up the highways. I will read a part of the proceedings of that meeting.—“*Read Minutes of the Commissioners adopted at their meeting held on the 25th of June 1867.* Sir Henry Paulet called attention to the paragraph in these minutes relating to the appointment of a sub-committee, and stated that it did not carry out his intention. He would, therefore, move a resolution upon the subject. Mr. Howard read the opinion of the law officers of the Crown upon the case submitted to them in accordance with the resolution moved by Mr. Castleman at the last meeting of the Commissioners, as to the right under the Deer Removal Act, to inclose any highway through the open forest, viz., ‘We think that under the authority of the Act Her Majesty has the right to inclose an ancient highway through the open forest, in the event of such highway being set out as part of an inclosure by the Commissioners, and we think that, according to the true meaning of the Act, such highway may be stopped until the inclosure, of which it is a part, is laid open, in accordance with the provisions of the 5th section.’” That is signed, John B. Karslake, Richard Baggallay, P. MacMahon.

585. Then are we to understand, or do you understand, from that opinion that until an inclosure is thrown open in the forest sense of the word, that is for pasturage, the right of way ceases through such inclosure?—Apparently it is so by that decision; the highway is stopped up.

586. Has any question in your experience ever arisen as between you, as the first Commissioner of Woods, and the public, in regard to this right of highway?—If you mean as to the inclosures in the New Forest, I think Mr. Lovell tried to establish a right of way, and I tried the case, and Mr. Lovell was beaten.

587. You went before the court, did you?—Yes, before some court.

588. And he did not make good his asserted right of way?—No; I think he broke the lock of a gate, and the case was tried and given against him.

589. That, I presume, constituted a trespass, inasmuch as there was damage done; but it did not affect the question of right of way, did it?—Unless I look back to that case I could not say on what ground it was given against him.

590. Now you have said a good deal about the compact entered into between the Crown and the commoners under the provisions of the Act of 1851, and you have gone further, and said that you consider that the commoners are bound by that compact?—Yes.

591. Now is it not a fact that that Act was framed and passed into law in entire ignorance of the extent and the value of the commoners’ rights?—The commoners’ rights at that time had not been investigated and adjudicated upon, that we knew.

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Lord *Eslington*—continued.

592. Was your attention ever called to the language of Lord Seymour, now the Duke of Somerset, who had charge, as head of your office, of that Bill in the House of Commons, to the effect that he knew little or nothing of those rights?—No; I do not recollect where that appears.

593. If that be so, the commoners agreed to a compact in ignorance of the extent and value of their own rights, did they not, if they were only ascertained subsequently?—They certainly did not know the extent; some of them went to a great extent, indeed, beyond what they were entitled to; they claimed as much as they could.

594. Do you think you can fairly say that they, therefore, are bound by the terms of the compact which was entered into before they knew what their rights amounted to?—I think they are bound by the compact.

595. Now I will ask you in fairness (and I am sure you will take a fair view of it), should you consider that the commoners were bound by the terms of that Act if the power conferred upon you under that Act were arbitrarily and excessively exercised?—No; the commoners then, I think, would have a good ground to complain.

596. You have stated that the Crown officers are bound to take the land best adopted for the growth of oak?—Yes.

597. Now what portions of the forest do you consider the best adopted for the growth of oak; should you not consider that the lawns were the best?—The lawns perhaps are the best.

598. Supposing that you were to lay out Burley Lawn or Brockenhurst Lawn (I take those as the two most fertile) for the purposes of inclosure, and that you obtained permission from the Commissioners to inclose and to plant them, do not you think that the commoners would be justified in remonstrating against such an arbitrary exercise of power as that?—They would remonstrate, no doubt, and those lawns could only be inclosed by the Commission. I am only one of 12 members. I am not acting, of course, as Commissioner of Woods; I am merely acting upon that Commission as Inclosure Commissioner. As Commissioner of Woods I am responsible to the Treasury. As Inclosure Commissioner I am not responsible to the Treasury, but only responsible with the rest of the Commission to the Court of Exchequer and to Parliament. I am only one of a body of 12, and these Commissioners would take every care that the commoners’ interest in these lawns was protected.

599. With regard to the verderers, who are *ex-officio* members of that Commission, you told us, is it not their special duty to attend to and guard the interests of the commoners?—Yes, they are equally to protect the Crown and the commoners.

600. Do the verderers invariably, as a matter of rule, attend these meetings of the Commission?—Yes, I think they always have.

601. Can you recall to your mind cases in which the verderers have objected to a proposed inclosure, and sustained their objection?—I cannot call to mind whether the verderers have; the Commissioners themselves have. I recollect a case in 1855. It always amuses me when I see these charges that are made against me by this New Forest Defence Association (which I think a misnomer; it is rather an association for attack than for defence), who get so very angry at these

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these inclosures, thinking, I believe, that I do it for my own gratification, and to spite them. But the fact is that I entirely differ from Mr. Esdaile in the evidence which he gave before the Committee, in which (I think in answer to Question 130), he says that he views these inclosures with very great pleasure. Now I totally differ from him. I hated them. They offended my eye, and they spoiled my sport; and I recollect that, at this special meeting in 1855 there was a tract, which you may see on the map (*pointing it out*), a large inclosure there called Slufers. That was a capital bit of snipe ground, and in my innermost heart I was in hopes that somebody would object to that; and at that meeting Mr. John Morant, the father of the present Mr. Morant, was present as one of the Commissioners. He was very deaf, and (with no offence to his memory) a little cantankerous, and did not like the idea of this inclosure at all, but he appealed to me three times as chairman to know what the name of this inclosure was, and three times I told him that it was Slufers Bottom; at last he caught it, and made this remark: "I do not care whose bottom it is; it shall not be inclosed;" but it was inclosed, nevertheless, and now anybody who goes there may see a great thriving formal plantation where there once existed a beautiful boggy snipe ground; but it is all for the benefit of the public that it should be so.

602. I am glad to catch one expression of yours; you "hated" the inclosure, you told us?—I hated the sight of them.

603. But you told us you thought it desirable to break the monotony of the oak?—Yes; I think an admixture of fine Scotch fir a good thing in the forest.

604. But has it not occurred to you lately that there is a dismal monotony of the fir in many parts of the forest?—Yes; that will disappear, I hope.

605. You said you were afraid there were great portions of the forest which are not adapted to the growth of oak; that is your experience?—Yes.

606. But why do you plant lines of oak trees between each of these lines of firs all over the forest?—We want to grow oak where oak will grow.

607. But you plant oak where you have a conviction that the forest will not grow oak?—There are some parts of it where perhaps it would have been better not to have planted oak; but still there are portions where there are fir and no oak at all.

608. But has not your experienced eye been struck by the puny miserable appearance of many of these rows of young oak?—Many of them are very bad.

609. You do not approve of that system, as it has hitherto been pursued, of planting the oak?—We should not plant the oak where we see that the oak will not thrive.

610. But you have done so?—We have done so. We have experience now that in certain places it will not do; there the trees are, and they may struggle up if they can, but they will not do much good, I dare say, a good many of them at least.

611. Your mode of planting is very costly, is it not?—No; I think very cheap.

612. But how about those very deep open

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drains that you cut in every direction in the new inclosures; are they not very costly?—No; I will give you the expense if you wish.

613. What is the estimate of your expense of inclosing per acre?—The expense of fencing these inclosures with two iron rails, as it is now (formerly it was three), is 15s. 9d. an acre, with oak posts, and two strong hoop iron rails, and about the best fence you can have.

614. And you are allowed, I think, to cut sufficient timber for the purpose of fencing?—Yes. Then the draining is 1l. 5s. 3d. an acre.

615. That very much depends upon the formation of the ground, does it not?—I suppose this is the average: I find that is the actual cost of the estimate of that which remains still to be done. Then the planting is 1l. 10s. 2d. an acre and other expenses 2s. 4d.; I forget what those included, I believe bridges, and rides, and so on.

616. Amounting in the whole to how much an acre?—It has not been put down here how much an acre it is, but it is between 6l. and 7l. an acre, I think.

617. Is that account taken as the result of a large extent of planting?—Yes, a large extent of planting; of course the larger the extent you fence the cheaper the fence becomes.

618. And that, I presume, was the object of requiring you to plant not less than 300 acres?—That was in order that we might not take all the good land, but get some bad land with the good; that was for the benefit of the commoners.

619. In regard to the game, did you not make about 800l. last year by the game?—No, not as much as that; 750l. or 760l., I think.

620. In this matter of the game, are the forest keepers directed to attend and look after the game?—They do; they look after the game and look after fuel rights and turbary; they see that the people cut their turf properly, and so on.

621. Do not you think that, as a matter of justice, again, when you take out of the pockets of those who choose to take out licenses so large a sum, you are bound to expend a portion of that money in the preservation of the game?—And we have done so to a certain extent; we have turned down pheasants; and one time I got the late Lord Dalhousie to send some grouse eggs, and we put them under a grey hen; I told him they would never do so far south, but we tried them.

622. You have done something to try and increase the stock in fact?—Yes.

623. Are you perfectly satisfied with the way in which the privilege to shoot is exercised?—Yes; as far as I hear now, I think it is exercised pretty fairly by most of the gentlemen. There have been cases where I have not renewed the license; I found that people went out every day harrassing the forest with dogs of all sorts, to the detriment of the other gentlemen's sport; and in that case I have refused to renew the licenses.

624. You have, I believe, certain rules of your own, framed on your authority, which you require to be observed?—Yes.

625. But are you strict in enforcing them; or, if a complaint is made to you, that those regulations are infringed, would you address a representation or letter to the person so infringing them?—Yes; my friend, Sir Henry James, at Southampton, has never forgiven me for taking away

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away his license for shooting a grey hen; I think I took it away. I know I remonstrated, but he was very indignant indeed; but I said that in the interest of other people I could not allow even Sir Henry James to shoot a grey hen, though it would be a very good thing if the very old ones were shot.

626. Do you allow persons to use an unlimited number of dogs in the forest?—No; and we are going to make some further restriction with regard to dogs in the next issue of licenses.

Mr. Alexander Brown.

627. I gather from your evidence in the early part of your examination, that you were of opinion that the forestal rights being severed by the Bill of 1851 were in favour of the commoners, in the sense that thereby game would be rendered more plentiful if fence month were enforced?—I think you must have misunderstood me; I did not say that they were in favour of the commoners; I said in favour of the licensees of shooting, that I think if fence month were enforced it would add very much to the protection of the young game at that time.

628. But the licensees are not exactly the same body as the commoners?—No.

629. And therefore to enforce the fence month would do damage to the commons?—The commoners would feel it no doubt.

630. Now about these forestal rights which remain in the Bill of 1851, is it not true that the compromise effected related to the inclosure and not to the addition to the Bill of the words, "Beasts of chase"?—As to that I cannot give any evidence. I think Mr. Watson, who was examined upon that point, is more able to give evidence on it, because he has got all the shorthand writer's notes of all the evidence given at that time, which I have never seen.

631. The result of the compromise, as far as I understand it, was that the Bill was not opposed in the House of Lords?—It was not; I think that they gave up their opposition, and the Bill passed.

632. Now in regard to these highways through the inclosures; is it not true that as the result of inclosing these plots of land of 300 acres in extent, people have now to go round where they could formerly go through the inclosures?—No doubt they have, and it is a great nuisance for them.

633. And that has result, of course, because the plots of land now being inclosed are larger than they were before?—Yes.

634. With regard to the planting these plots of inclosures, I understood you to say that when the further powers were taken, and you were going to plant further portions of the forest, you would not plant oak over the whole of the forest, but only in such places as would grow oak?—Yes.

635. And the rest of the forest would be planted with Scotch firs?—Yes.

636. And therefore the monotony, as you term it, of the Scotch firs would be greatly increased, and not diminished?—It would be increased if we had a great deal of bad land.

637. With reference to the abolition of the right of keeping deer, have not the Crown gained from that in this sense, that the inclosures can be made cheaper now than they were formerly?—No doubt of it.

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Mr. Alexander Brown—continued.

638. I think I gathered from you that two rails now, instead of three formerly, are sufficient to keep off the game?—Yes, it lessened the expense at least by half.

639. With regard to the Bill of 1851, the evidence put before that Committee turned a great deal upon the fact of the injury done by the deer, and the benefit there would be to the small commoners from removing the deer?—Yes.

640. Were all the small commoners affected by these deer, or only certain large proprietors?—I fancy the small commoners were as much affected as the large landed proprietors, in proportion to the extent of their holdings; I think they always complained of the deer as well as the others.

Mr. Ryder.

641. With regard to the expenses of the New Forest, I see by that statement which you have handed in to us, that the annual average of 70 years' net income was 3,066 l. 4 s. 3 d.?—Yes.

642. Also that the average of the last 10 years' net income was 2,474 l. 14 s. 7 d.?—Yes.

643. In that amount of 2,474 l. 14 s. 7 d. is there included the value of the wood used, for instance, for the fencing?—I think everything is included.

644. And therefore the net amount handed over to the public would be something less than that by the value of the wood used; the net result from the New Forest would be actually less than the figure stated?—The value of the wood appears on both sides of the account.

645. I see also that the average gross income for the last 70 years has been 13,615 l. 6 s. 3 d.?—Yes.

646. And that the average gross income of the last 10 years has been 13,263 l. 10 s. 8 d.?—Yes.

647. I see that during that time the average expenditure of the 70 years has been 10,549 l. 12 s.?—Yes.

648. And the average of the last 10 years 10,788 l. 16 s.?—Yes.

649. Does not that bear rather a large proportion to the income?—It does.

650. Would it not be possible to reduce it in any way?—We could reduce it by separation of the rights of the Crown and the commoners, which increase the expenses of management. Upon that point I will read something (I will not trouble the Committee at any great length) which occurs in the evidence taken before the Dean Forest Committee of 1874, of which an honourable Member of this Committee was chairman. Mr. Clutton was asked at Question 3803, "What would be a fair estimate of the cost per annum of planting and keeping an acre?" and his answer is, "The cost I suppose here has been from 6 l. to 8 l. an acre, and, of course, for the first 20 years there has been no profitable produce, but after that time, no doubt, the produce began to increase. While getting this information I ascertained a very curious fact, namely, that in the New Forest, where the plantations grow as rapidly as here, and in the Holt Woods, which is without any common rights upon it, the produce in the one is 50 per cent. more than it is in the other, showing how impolitic it is to keep property of this sort in common; the expenses are so enormously increased that it is almost impossible to calculate them; you have to

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increase your staff more than double; in fact, the whole cost of your operations are increased." I need not read any farther, I think.

651. Does it not come to this, that the pecuniary interest of the public becomes extremely small?—If you mean in the forest as it is, it really is so, as regards any immediate income.

652. And, therefore, it comes to this, that the principal interest of the public is what you may call a sentimental interest?—Yes, irrespective of the question of ultimate value.

Mr. John Stewart Hardy.

653. This Report of yours in 1871 says that "between 24,000 and 25,000 acres of the forest, consisting principally of the soil of the better class, are covered with timber or plantations, or are now in course of being planted;" now is it not a fact that you for the first time in the Act of 1851 obtained the right of planting any timber except oak?—I think it was in a previous Act that that right was obtained.

654. However, it is very recent?—It is recent.

655. Whenever that permission was given, does it not follow that the intention both of yourselves and of the Legislature was that you should be enabled to take into cultivation a poorer class of soil, which would bear other descriptions of timber than that which the better land bears?—Yes, that was the object; that we were not to take all the good land.

656. That being the case, and your own report admitting that 24,000 acres, nearly all of the better class of soil, are covered with plantations, if you are to carry out the right of planting existing under the Act of 1851, does it not seem reasonable to suppose that you should take in some of the poorer heaths and plant them with Scotch fir?—Yes, and we do so.

657. I was there the other day, and I observed

Mr. John Stewart Hardy—continued.

that the places marked for inclosures appeared to be either old wood or green pieces of land?—I think the deputy surveyor will tell you different. He will probably tell you that there is a great deal of very poor land marked.

658. There is nothing taken, is there, without some good land in the middle of it; I mean, you have not gone into the middle of the heaths anywhere?—No; I think there is some good land in every inclosure.

659. With reference to your experience now of those plots which you have left in their primeval state when you inclosed them, seeing what the result is in regard to the timber, do not you think that in all probability you would replace the timber as effectually by inclosing for a time small portions, leaving them to sow themselves, and to grow up with a mixture of timber, instead of one uniform class of timber, and that you would in that way renew the forest, and at the same time preserve the beauty of it?—Not altogether. In many places you would, but in other places you would not get a crop so easily of oak, which really is the timber you must look to, because it is decreasing in all parts of the world. I have had an opportunity of reading a number of reports, which Lord Derby was kind enough to get for me from all over the world, showing the diminution of large timber in all the timber-producing countries.

660. Do you consider that the appearance of young oak plantations, of plots 60 or 70 or 80 years old, furnishes any prospect of their giving you good timber in any reasonable number of years?—Yes; they are growing very fast indeed. I sometimes think that the only reason for which I should wish to revisit this earth 150 years hence would be to see these fine oaks, into what magnificent trees they have grown, and to hear how the good people of those times were blessing the provident Commissioners of the 19th century.

Tuesday, 1st June 1875.

MEMBERS PRESENT :

Mr. Biddulph.
Mr. Alexander Brown.
Sir Charles Dilke.
Lord Easington.
Mr. Ernest Noel.

Mr. Rodwell.
Mr. Ryder.
Lord Henry Scott.
Mr. William Henry Smith.
Mr. Cowper-Temple.

WILLIAM HENRY SMITH, ESQ., IN THE CHAIR.

The Honourable JAMES KENNETH HOWARD, re-called; and further Examined.

Mr. Ernest Noel.

661. Do you think it would be injurious to the interest of the Crown as reversioner, if the Resolution of the House of Commons of June 1871 was made the principle on which an Act should be drawn?—Yes; I do consider that the Crown would be prejudiced as reversioner.

662. You think it would prejudice the Crown if the Crown ever resumed the control over the estates as reversioner?—Yes; the Resolution says, "And no fresh inclosure should be permitted in the New Forest." Those inclosures would be of great value if made.

663. And they would lose that?—They would lose that if there are no fresh inclosures to be made.

664. But they would also, if the inclosures were made and the trees were cut down, lose their park land?—And the Resolution also says: "That no timber whatever should be cut, except for the purpose of thinning the young plantations." Well, it is necessary to cut timber out of woods; you do not leave woods for ever to grow; you must cut timber and replant.

665. But if it was limited to cutting woods simply for the preservation of the land as park land, what would you say?—If it were restricted to that, I do not know that the Crown would be injured as reversioner, so far as felling is concerned.

666. The public, in the position of a tenant for life, has in the past received, and is at the present moment receiving, a very small return from the property?—It is receiving a return, not a very full return.

667. Some 3,000 *l.* a year?—Some 3,000 *l.* a year.

668. And therefore, that would be the loss to which you would put the tenant in being the tenant for life?—Well, you can hardly say that, because we hope to improve the income from the Forest. If we were allowed to continue to manage the property as we were doing previous to the Resolution of the House of Commons in 1871, and if we could only get the rights of the Crown and the commoners separated, we should very much improve the revenue from the Forest, I have no doubt.

669. Then the public, in the shape of the holiday-making public, would gain considerably 0.100.

Mr. Ernest Noel—continued.

by these lands being kept perpetually as park lands?—Do you mean in timber?

670. Yes?—The public would be able to go into these woods if they were kept as woods, as a matter of indulgence; they are not kept out.

671. As a matter of fact, you cannot drive through the inclosures, can you?—You cannot drive through them, because under Act of Parliament we are obliged to keep them inclosed.

672. And the other parts you are able to drive through and enjoy?—Yes, through the open part.

673. But if inclosed, you would be prevented driving through?—But then it is supposed that there would always be 47,000 acres open.

674. But if there were no old timber, there would be no enjoyment to make it worth while for the holiday-making public to go there?—There would be old timber in inclosures thrown open.

675. Timber of 50 years' growth?—Well, it depends upon the time of planting, of course.

676. When the inclosure called Knight Wood was made, was it not the intention of your office to include a wood called Mark Ash?—It was.

677. And if it had not been prevented, would not that spot in the forest have been lost to the country?—No; on the contrary, I think it would have been preserved to the country; that was inclosed for the purpose of allowing the young trees to grow up under the fine old trees there, which they cannot do now as long as the commoners get access to it.

678. But, as I understand, you stated that it was the duty of your office to cut down timber that had ceased to be improving in value, and to replant?—According to discretion, of course.

679. But the timber in Mark Ash is of such a nature that it has ceased to increase in value, and that it would in a pecuniary point of a view, be steadily diminishing?—We have no intention of cutting the timber in Mark Ash.

680. But did not the Act of 1851 force you to cut the timber, to make the most of the land which is goodish land for planting?—I do not think it was compulsory.

681. I thought you said that the office felt it was their duty to make the most of the land as a revenue department?—To a certain extent, it was so. In making these inclosures there was a

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power under the Act of meeting the expenses, to a certain extent, of course, by cutting down decayed and other trees.

682. But, as a matter of fact, would not a better revenue be made eventually if the timber in Mark Ash was cut down and carefully replanted?—Well, that might be so.

683. And I understood you to say, but perhaps I misunderstood you, that the office was morally bound to make the most of the property as a revenue department?—Speaking generally, that is so.

684. But then, if you are to make the most of it as a revenue department, and by cutting down you could obtain the best revenue, would it not, under the Act of 1851, become the duty of the Woods and Forests to cut down that timber?—I think it must be left very much to the discretion of the department.

685. But at all events, under the Act of 1851, unless there was good discretion in the department, that timber would be in danger?—I may state that in preserving these old trees, at the same time you are supplying the forest with young trees, seedlings. If you cut down those large trees now, you would have to go to the expense of replanting. We should let those old trees seed themselves.

686. Apart from the small pecuniary value that arises from felling old timber, do not you think that the public have an interest in preserving the few fine old woods that remain?—Certainly; I think so, as much as I have.

687. As a national property, whether they happen to visit them or not, as a possession in the country, a public possession?—Certainly, as a possession, and a very valuable possession; and I reckon that in the course of years they would be worth very large sums. I have no doubt that as oak is diminishing now they will be required at future time both for ornament and for use.

688. But, under the Act of 1851, the whole of those portions of the Forest that are now uninclosed, which now have old timber on them, would be inclosed, would they not?—A great portion of them, a considerable portion.

689. And whenever that took place there would always be at least a danger of the old timber being cut, would there not?—Of course I cannot state what may be done in future days.

690. You mean to say that it rests solely with the judiciousness of the head of the department?—To a certain extent, it would.

691. Because the rule would be to cut for revenue?—To cut for revenue.

692. And it would only be through the judicious withholding of revenue on the part of the department that that timber could be saved?—By judicious cutting there would always be a very considerable amount of old timber standing, because there would not be a very large quantity probably cut at a time.

693. But previously, where inclosures have been made, large amounts of old timber have been cut?—They have been in former years.

694. And is there anything under the Act of 1851 which would prevent that. I do not say in your time, but prevent that happening again?—No, I do not suppose there is.

Mr. Cowper-Temple.

695. The general impression is, that under the Act of 1851 the power to inclose is given spe-

Mr. Cowper-Temple—continued.

cially and exclusively for the purpose of cutting down trees and planting; but I understand from your answer just now that you do not take that view?—That was the intention of the Act, to cultivate timber.

696. I understood you just now to say that you had the power under the Act of inclosing, and yet not cutting the trees that are within the inclosure, is that so?—I think the cutting of the trees is left to the discretion very much of the department.

697. But do you think that the power of inclosure is not given specially for the purpose of planting trees?—For the planting of trees, certainly.

698. Then I apprehend you would mean that you may plant in vacant spaces, within the inclosure, without cutting down the trees that stood there before?—Yes, or the trees which are standing actually.

699. I think the general view of the department hitherto has been that after an inclosure was made they were bound to cut down almost all the trees for the purpose of enabling the soil to be prepared for planting by drainage. Do you think that that is the right policy to pursue?—It all depends upon the locality. There may be portions of an inclosure where the timber ready standing would be of a very scrubby character, and where it would be advisable to clear. There may be other portions, such as portions that we have left in inclosures, where there are fine trees, where the ground does not require draining, and where if those fine trees are left, they will be the means of rearing young trees without the expense of planting.

700. Then supposing that within the inclosures there are either young trees which have not reached maturity, or old trees in their vigour, or very old trees that are merely picturesque, you do not think that it is necessary to cut them all down?—No.

701. But has not that been done with all the inclosures in the Forest excepting the one you mentioned, namely, Denny Wood, which has only been recently inclosed?—I think not, but the deputy surveyor will be able to answer that question better than I am, from his greater local knowledge; but I think that there is hardly an inclosure where the old timber has not been left. I think the deputy surveyor will tell you that in Hawk Hill the old timber was left; in Denny it has been left; and there is old timber in other inclosures too; but he will be better able to give you evidence on that point than I am.

702. I wish to speak generally now; do you think that there is any case in which more than a clump of old trees has been left; do you think that you could find any case where a large portion of old trees has been left in an inclosure, or any case where the whole of them have been left in an inclosure?—I believe that in Hawk Hill most of them have been left; but however, as I say, the deputy surveyor will give you better evidence than I can upon that.

703. I should like to ask you with reference to those three inclosures which are at the north-east, Shave Green, Brochis Wood, and Buskett's Lawn; I want you to tell the Committee whether the trees in those inclosures were not young, immature trees, that in the natural course of things ought to have been left till they had reached their prime?—At what time was that?

704. Between

Mr. *Cowper-Temple*—continued.

704. Between 1860 and 1861?—I cannot answer that question; Mr. Cumberbatch will answer that.

705. As they were inclosed about 10 years after the Deer Removal Act was passed, how did it happen that those inclosures were made contrary to the provision of the Deer Removal Act in regard to the size of them, since they were all under 300 acres?—Those were taken in under the previous Acts of William the Third and George the Third.

706. Is it not the case that the Commission which ordered the inclosures to be made, was appointed after the introduction of the Deer Removal Bill, and during its passage through Parliament?—I think the Commission was first appointed on the 18th of June 1851, previous to the passing of the Act.

707. But was it not subsequent to the introduction of the Bill; I think by the date you will see it must have been?—I suppose so.

708. Was not the selection of those inclosures below 300 acres, practically an evasion of the provisions of the Bill which was then before Parliament, since it took the lawns, and land which could be least well spared, from the commons and the highways?—I cannot answer that question, because I was not Commissioner of Woods at that time, and I really do not know what did take place in 1851.

709. You were speaking about highways being opened through inclosures; that, I suppose, is not, practically, opened to the public when you are obliged to lock the gates?—No, I should think not.

710. I think you quoted an opinion given by the law officers to the Crown as to inclosing highways. I want you to tell the Committee, was the case put to them, or was any part of the case put to them, thus: whether there was a power to lock the gates on those open roads through the inclosures, either at the extremity or in the course of those driftways?—Without referring to the case, I could not say.

711. Has your department acted upon a consistent policy with regard to the New Forest since the passing of the Deer Removal Act?—As far as I am aware it has: I do not know to what the Right honourable Member refers.

712. In looking to see what is the policy of the Commissioners of Woods, I find it stated in the 3rd Report (in the year 1863), in which the Commissioner of Woods of the day, previous to your own appointment to that office, recommended to the attention of the Treasury a report, which is contained in the appendix, written by a Mr. Price, and it is in these words: "It is impossible to view without regret the present condition of the New Forest. Except in those parts where plantations have been made or the timber has grown up spontaneously, the Forest presents the appearance of a dreary waste, disfigured in many places by swamps (from which damp and unwholesome exhalations must necessarily arise), with bad roads, and without a sufficient number of bridges; and it is in a state generally more nearly resembling a new and uncivilised country than a part of England in the 19th century. In this condition the Forest is a reproach to the country, and a memento of the barbarism of the middle ages." Now I want to know whether you still are of opinion whether the wildness and natural features of the Forest

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Mr. *Cowper-Temple*—continued.

are a "barbarism" which is "a reproach to the country," and ought to be removed by inclosure and cultivation?—I do not call to mind Mr. Price's report, but I do not agree in all he says.

713. You do not think yourself bound by what was recommended to your predecessor by the Treasury?—No.

714. You told us that you hate the plantations which you have made, and you can hardly hate them more than the public do; would you explain how it happens that you have found yourself obliged to make the plantations in this hateful manner?—I am obliged by Act of Parliament; I am to carry out the provisions of the Deer Removal Act; it is my duty to make these inclosures; these inclosures are set out, not by me, but by a commission, of which I am only one member.

715. I want to know whether, by the Act of Parliament, the inclosure is to be made by the commission or by yourself; whether the words in the Act of 1851 require the inclosure to be made by the commission. I ask that question because I think I rather understood from something which you have previously said that you questioned that point, and considered that the inclosure should be made by yourself and not by the commission?—I do not recollect giving that answer.

716. Perhaps you will state your view; I think it is the third section of the Act?—"Such inclosures shall be set out and made from and out of such parts or places in the said Forest as shall be found or ascertained by the said Commissioners, or any three or more of them (one whereof shall be one of the said justices), to be most convenient to be inclosed and to be best adapted for the growth and produce of timber or other trees."

717. I want to know whether you take the views that the inclosure in its gates must be made by the commission under that section, or by the Commissioner of Woods?—I think the commission has nothing to do with the gates and the fences; those are to be done by the Commissioner of Woods.

718. Then your reading of the Act is that the expression "making the inclosure" does not mean putting up the inclosure, but that it means something else than putting up the fence and the gate?—It means settling the boundaries of the inclosure.

719. Have you had any legal opinion upon that, or is that not a very settled opinion on your part?—There has been no legal opinion, I believe, on the subject. It has always been so considered, that the fences and the gates are done solely by the Commissioner of Woods.

720. I had heard that this point had been argued before the commission by certain members of it who took the view that I was suggesting, that the Act of Parliament gives the commission the power of making an inclosure in the way of putting up fences and gates; but perhaps I may be mistaken?—I think the point was raised; I am not quite certain.

721. You are not, then, able to state to the Committee the definite view taken by your department upon that legal point?—We took the definite view that it was our duty to make the inclosures and to put up the gates, and that the commission had nothing to do with the

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fences and the gates. I will read an extract from the proceedings of a meeting on the 14th of September 1870: "The minutes of the last meeting, held on the 9th of August 1870, were read and confirmed. Mr. Howard read the following memorandum, viz., 'I feel it my duty to mention to the meeting that, although as a member of the commission I am bound by the resolution which was passed at the last meeting, declaring that it is the duty of the Commissioners to make the inclosure, and to direct at what spots gates are to be placed in the fences of them, yet, as Commissioner of Woods, &c., I cannot concur in the resolution, nor can I offer any expectation that effect will be given to it. The duties and powers of the commission are defined by the Act of Parliament under which it is appointed; and those duties and powers can be neither extended nor abridged by any resolution of the commission. As regards the making of the inclosures, the commission has no funds wherewith to make them, and if therefore they are made at all, they must be made out of funds which are under the control of the Commissioners of Woods. The application of those funds is strictly regulated by Act of Parliament, and the Commissioners of Woods have no authority to apply them, excepting in the execution of works which are under their control and management. They cannot delegate their authority or make advances to any other person or persons. As regards placing gates in the fences of inclosures, I find nothing in the Act giving such an authority or power to this commission. The duty of the commission is to set out inclosures, not to set out trackways, or roadways, or gateways, and I have the authority of the law officers of the Crown, recorded on your minutes, that all roadways within the ambit of any inclosure set out by the commission are, so long as the inclosure remains, stopped up and inclosed. I feel it my duty to make this statement to the commission as a Commissioner of Woods, but at the same time to observe that it has always been my desire, and will continue to be so, to consult the convenience of those who have been in the habit of using trackways and roadways over land set out as inclosures. I merely wish it to be understood that if gates are left in the fences of inclosures, and if a liberty of ingress and egress by such gates is allowed, it is not in admission of a right, but in furtherance of a desire to avoid, as far as possible, causing inconvenience to the public."

722. I think it would be interesting to the Committee to know what construction was put upon those simple words, to "make the inclosure," which would take from the commission the power of what is ordinarily considered as the making of them. When you wrote that letter you must have had some explanation before you of the section, to remove from your mind that rather obvious suggestion that it must have meant to make by the commission?—I would rather that any legal question were reserved for the solicitor to answer.

723. I think you said that you would preserve the ancient woods as carefully as if they were your own property. Now, do you see any objection to that principle being embodied in an Act of Parliament?—I think I said that I should as soon think of cutting down the ornamental timber in the Forest as of cutting down the ornamental

Mr. Cowper-Temple—continued.

timber on my own place. I think those were my words, that it was more valuable to stand than to sell.

724. But being apparently in your discretion to do so, or not, do you see any objection to any future Act of Parliament taking from the Commissioner of Woods the option of destroying ornamental timber?—I would rather not give an opinion as to what should be the provisions of an Act of Parliament.

725. A tenant for life, I think, is not generally empowered to cut down ornamental timber; would not that give a precedent for dealing with these forests and limiting the power of cutting down the ornamental timber?—I think that is rather a legal point again, that I am hardly able to answer.

726. In your Report of 1871, at page 12, you explain the principle on which you consider that you are bound to act in the management of the Crown property in the following words, which I will read to you: "Having regard to the position which the Crown property thus occupies as a settled estate, and to the recognition of that position by the Acts of Parliament passed respecting it, it is considered that to appropriate any portion of it to merely local purposes, or to purposes unproductive of revenue for the benefit of the public at large, or inconsistent with its preservation as part of a settled estate, would be unconstitutional." Do you think that this principle, which is properly applicable to farm lands and ground rents, ought not to be modified when so exceptional a property as a Royal Forest is concerned?—No, certainly not.

727. Were not forests and forestal rights originally acquired by the Sovereign, and acquired in by the nation, for purposes of health and recreation and enjoyment, and not for purposes of money revenue?—At what period do you mean; when William the Conqueror afforested it?

728. In the case of the New Forest, at the time of William the Conqueror; in the case of other forests at antecedent periods?—I suppose he afforested it for his pleasure; I do not know whether his health was concerned; I suppose he did not care much about the health of his subjects, but probably it conduced to his own.

729. Do not you think his subjects would be anxious that the Sovereign should have health, and that, therefore, the use of the forest for hunting was a legitimate demand on the part of the Sovereign?—I do not quite hold that.

730. I suppose you would not doubt that the purposes for which forests were obtained by Sovereigns, were what you may call generally purposes of recreation and enjoyment, and not of money revenue?—For the Sovereign's own pleasure. I do not suppose he intended them for the pleasure of his subjects, because his subjects were kept out of them very strictly, I think you will find.

731. There was, as we know, a good deal of opposition to the afforestation of the New Forest; do not you think there would have been more objection if the Sovereign had got it to make money out of the forest, instead of for purposes of amusement?—I cannot answer what might have been the objection several hundreds of years ago.

732. When the forests were transferred to the public, did the forests necessarily lose their inherent quality of being preserved for recreation and

Mr. Cowper-Temple—continued.

and enjoyment, and did they by that transference acquire the new quality of being used for purposes of financial revenue?—But when were they transferred to the public, may I ask?

733. At the commencement of the Sovereign's reign, as being part of the hereditary revenue?—But that was only during the life of the Sovereign.

734. We will take a case; this forest being transferred to the nation during the lifetime of the Sovereign by an agreement with the Sovereign, do you think that the nation is precluded from using the forest in the same way that the Sovereign did originally, for recreation and amusement?—The public do use it for recreation, as I understand, and I hope they do.

735. I was asking you with regard to the view you take of the landed property of the Crown, and I wanted to know whether you did not think that a forest, being so exceptional a portion of the revenue, might be treated so far exceptionally, that it need not in your words be used for purposes productive of revenue, but might be used on behalf of the nation for purposes of health and enjoyment instead of for revenue?—The primary object of the Acts relating to the forests was for supplying the Navy with timber; it was not for any other object that these Acts were passed; and that is the object we have always had in view.

736. In speaking of the "primary" object, you allude to the Act of William the Third, I suppose?—Of William the Third, and of George the Third, and the Deer Removal Act. These plantations were made for the purpose of supplying the Navy with timber; and although the Navy has ceased to take timber for some years now, yet I think it is not improbable that the Navy will have recourse to oak timber again. And that was the opinion of a far wiser man than I am, namely, Lord Palmerston; for when he was Prime Minister, there was a question as to continuing these inclosures in the forest coming on in the House of Commons, and he sent for me, and I went to Cambridge House and saw him, and he said, "What is the use of your continuing planting in the New Forest? Our Navy is all built of iron now; they want no more oak." To which I said, that I thought it doubtful how far iron would succeed, that it could not be tested till we had had a great Naval war, and I thought it very probable that the Navy would have recourse again to oak; upon which Lord Palmerston remarked, with that peculiar interjection of his (I wish we could hear it amongst us now): "Ha! ha! I am of the same opinion, too; go on with your planting;" and I went on with the planting till we were stopped by the Resolution of the House of Commons.

737. Have not the changes in ship-building led us to expect that oak will in the future be greatly wanted, since it is used to case the iron ships?—I have little doubt it will be very much wanted.

738. You would conceive, therefore, that the national interest in preserving plantations of oak timber has certainly not ceased at present?—Certainly not.

739. You said just now that the planting of timber was the primary object?—I consider that the primary object under the Act.

740. But then does it apply to the whole forest, or only to a small portion?—The Acts say that 0.100.

Mr. Cowper-Temple—continued.

these inclosures shall be kept in severalty as a nursery for Navy timber only, for no other purpose whatever; so I suppose that was the primary object of the Acts.

741. You have, I believe, the administration of the whole forest as well as of the inclosures?—The administration of the whole forest.

742. Does any objection occur to your mind against a view being taken, that the remainder of the forest which is not wanted for the production of timber, may have for its primary object the recreation of the public?—But the public have never been excluded from the forest; the public I understand, go there in hundreds; I am glad to hear it; they have never been excluded.

743. But have not certain Bills proceeded from your office which might make a very considerable change in the existing state of things; for instance, the Bills for disafforestation; might they not lead to the total destruction of the open forest as it is now enjoyed?—No; I do not see that that would necessarily follow.

744. But is it not one of the probable results of disafforestation?—That the public would be excluded? I do not say that it would.

745. At all events, I understand that you would be against any measure which would exclude the public from that portion of the forest which is not within the inclosures?—I think that it is very necessary, in the case of a great national property of this sort, to preserve it as free from rights as possible; as I have already said, it is impossible to state what a future Parliament may think fit to do with this property; it may think fit to sell it as residential sites, as an auctioneer would call them; and subject to such rights as the Right honourable gentleman mentions, no one would buy the property.

746. If your department are correct in claiming what is called the *toties quoties* power, and if that power could be exercised fully, would it not ultimately lead to the whole forest being brought into the condition of one vast wood?—I suppose if it were carried out to the fullest extent, it would.

747. That power, I think, has been questioned, has it not?—Yes, the rolling power has.

748. Have you had any legal opinions upon that point in your office?—The law advisers have always stated that the Crown had that rolling power. The Commissioners in 1789 had no doubt about it; and Parliament seems to have had no doubt about it when it passed the Act of George the Third, and also in the Act of 1851, I think Parliament had no doubt about the rolling power there.

749. Do you infer the opinions in Parliament in any other way than from the words of the statute?—I was referring to the Act of the 48th of George the Third; the Act of the 48th of George the Third refers to the fact of inclosures of 1,022 acres in extent having been inclosed and thrown out under the Act of 1698, and it nevertheless authorises the formation of inclosures to make up the full quantity of 6,000 acres, and the substitution of fresh inclosures to the extent of 6,000 acres for the inclosure of the like extent. The Act of 1808 therefore treated the powers of re-inclosure as a rolling power to be exercised *toties quoties*.

750. You do not derive the impression from that Act that Parliament meant that a like quantity

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quantity should be inclosed; but you assume that it meant that the like quantity should go on indefinitely instead of only once?—That has always been the opinion held by the department.

Chairman.

751. Is that Act, the 48th of George the Third, a New Forest Act?—It is a Dean and New Forest Act.

Mr. Cowper-Temple.

752. Are you not of opinion that the words applying to other forests are different from the form of words that applied to the New Forest?—I am not aware, for I have not compared the Acts.

753. In advocating a separation of interests and property between the Crown and the commoners, you stated as one advantage that it would diminish the expenses of the Crown by one-half?—By a large amount, I have no doubt.

754. As this is rather important, I will ask you to explain to the Committee what reduction you had in view. It is a reduction, I suppose, under the head of Salaries and Expenses?—Very much.

755. The amount of salaries, I see, in the year 1871, was 2,789 l.; so that you are rather apprehending a diminution of half that item, I suppose?—It would probably diminish half the keepers.

756. Would not the keepers be obliged to continue on account of the shooting licenses?—No, I do not think they would.

757. Could you give us an idea of the numbers of keepers that there are, and an idea therefore how many could be reduced?—Mr. Cumberbatch can; I forget at this moment how many there are, whether there are 12 or 13.

758. Could anybody else be reduced; could any of the woodmen be reduced?—Well, that I cannot tell you; he will be able to answer that far better than I can; I took generally Mr. Clutton's evidence; he knows these matters better than most men; and in his evidence before the Dean Forest Committee he stated, I think, as I put it, that it increased the expenses about a half to have the two interests administered in common.

759. Was that opinion applicable to the New Forest?—He was alluding to the New Forest.

760. Do you think Mr. Clutton could have anticipated the reduction of anybody but half-a-dozen keepers?—There are other expenses besides the keepers; we pay all the expenses of the prosecutions, for instance.

761. Could you give us an idea of what portion of the expenses could be reduced by a division; I have not been able to think of any myself; what items of expense could be reduced besides half the keepers?—Well, there would be the expenses of the verderer's court, all the prosecutions. Mr. Clutton, I find, was comparing New Forest with Alice Holt in his evidence; he said, "I ascertained a very curious fact, namely, that in the New Forest, where the plantations grow as rapidly as here, and in the Holt Woods, which is without any common rights upon it, the produce in the one is 50 per cent. more than it is in the other" (that is the way in which he put it), "showing how impolitic it is to keep property of this sort in common; the expenses are so enormously increased, that it is

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almost impossible to calculate them;" that was his view.

762. In the Bill of 1871 it was proposed that the land of the forest should be apportioned between the Crown and commoners according to their rights; now was it intended that the forestal rights should be included among those rights for which the land was to be given?—The forestal rights were reserved to the Crown by the Act of 1851.

763. The opinion expressed by the mover of the Bill in the House of Commons, Lord Seymour, and by the Solicitor of the Office of Woods before the Committee that passed the Bill, was contrary to what you have now stated; both of those persons stated that the forestal rights were given up?—In what year was that?

764. In 1851, on the 25th of June, Mr. Gardiner, who was then solicitor of the Board of Woods, said these words to the Committee, speaking of the Bill: "The forestal rights will be gone; the Crown will have its right of soil and right of timber," and then he said: "I say, as regards the residue, the Crown will be simply in the position of a lord of the manor, entitled to the sale of the timber"?—As I stated to the Committee on Friday last, I am quite aware of that opinion of Mr. Gardiner's; Mr. Gardiner was a very able man, but Mr. Gardiner was not always right in his opinions, and he himself admitted that before the Committee of the House of Lords; and, as I said, Parliament certainly did not take that view in passing the Act of 1851; the commissioners appointed to adjudicate and decide upon the claims of commoners did not take that view; neither did the commoners themselves, because they never alluded to it in their petitions to me, to be allowed to turn out during fence month and winter heyning.

765. But I think you said that that Bill was to be viewed in the nature of a compact. Now the point I wanted to arrive at is what it was that the Crown was giving up, and what it was that was compensated for by its right of inclosure; and then am I not right in supposing that the mover of the Bill, the First Commissioner of Works and Woods, and the solicitor, were understood by all parties as having sold the forestal rights for the compensation of the number of acres that they were allowed to inclose?—I cannot state what the Commissioner of Woods and the solicitor intended. I can only state what Parliament evidently intended in the Deer Removal Act, namely, that the Crown's rights should be reserved.

766. Then, coming to the Bill of 1871, I want to know, supposing that that Act had passed, whether you and those who promoted the Bill contemplated that the forestal rights of the Crown would be compensated for under the operation of that Bill by certain possessions of land, or in various other ways?—Certainly; the forestal rights of the Crown would have had to be judicially determined and adequately compensated.

767. Now then, having reference to what was said at the time of the passing of the Bill of 1851, as to the agreement between the Crown and the commoners, can you say that the forestal rights would not have been paid twice over if the Bill of 1871 had passed?—Certainly not.

768. Would you not say that they were compensated for by the result of the Act of 1851, and that they would again have been compensated for

Mr. Cowper-Temple—continued.

for by the result of the Bill of 1871?—They were not compensated by the Act of 1851.

769. I want to know in what way we were to understand you when you said the other day that the Crown had not gained by the Act of 1851; has it not gained financially?—I do not know that it has yet; of course it will gain financially; it would have been a very bad bargain if the Crown were not to gain financially.

770. You only meant to say, then, that up to the present moment the financial advantage has not been realised?—Of course, the financial advantage will not be realised until the crop comes to maturity.

771. But can there be any doubt that the release from the expense of keeping the deer, and the gain of 10,000 acres in lieu of it, must be an advantage to the Crown?—That is beside the question rather.

772. You stated the other day that you had cut 1,005 beech trees between the years 1871 and 1875, for fuel and charcoal; could you state what portion was for fuel and what portion was for charcoal?—I cannot; but perhaps the deputy surveyor will be able to give you that information.

773. Has it not been the practice to supply fuel from the tops of the ordinary fall of timber?—I believe it has; but he will be able to tell you correctly.

774. As the term "paramount" that you used is rather vague, perhaps you would explain what that "paramount" right meant. I think you stated that it was the right of the Crown to keep out the cattle of the commoners. Now what I want to ask is, can the Crown drive away the cattle from the Forest, or is it merely that they may keep such a number of deer as may interfere with the cattle feeding?—I stated that the rights of the Crown were paramount over the rights of the commoners; because I take it from the opinion of Sir Vickary Gibbs and Sir Thomas Plumer in 1810, when Windsor Forest was being disafforested. They were asked for their opinion, and that opinion I need not trouble the Committee with, for it has been read often enough.

775. Do you think that it meant anything more than that the rights of the commoners were subject to forestal laws?—The rights of the Crown are paramount over the rights of the commoners, as far as the pasturage is concerned.

776. Then had the Crown any right to drive away cattle if the cattle interfered with the deer?—That I do not know; the case never occurred.

777. As the number of deer in the Forest must always have been regulated by the quantity of feed they could get in the winter, do you think it likely that there would ever have been so many deer feeding in the summer as to interfere much with the cattle?—There might have been.

778. You said that there was such a conflict between the Crown and the commoners, that the only solution of the difficulty was separation. Now, was there any difficulty of that sort previous to the Deer Removal Bill of 1851?—I cannot answer that question, because I was not acquainted with the Forest in 1851; I knew nothing about it.

779. But is it not the case that, from Charles the Second's time down to the Deer Removal Act, the Crown had had several Acts of Parliament extending its powers of planting, and the commoners had got no increased advantage over

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Mr. Cowper-Temple—continued.

what they had originally?—Several Acts? There are the three.

780. You stated, about the Bill of 1861, that it had been suggested by the commoners. Could you give us any explanation as to what you were alluding to, or tell us what commoners did suggest it?—I merely alluded to the Bill which was brought in by Mr. Peel and the Chancellor of the Exchequer in 1861, for the regulation of the exercise of common and other rights. I think it was in consequence of representations made by the commoners, but I am not quite certain about it.

781. Was not the Bill withdrawn on account of the opposition of the commoners?—The Bill was withdrawn; I believe they could not agree upon the subject, and it was dropped. There were several meetings, I believe, took place, but I never attended any of them.

782. And was it in reference to that, that a letter was written by you, in which you said that, "the concessions on the part of the Crown contained in it, are withdrawn, and will not be again offered;" and I want to know what the concessions were which were made in that Bill to the commoners?—I do not recollect that letter; where does it appear?

783. It was alluded to by Mr. Watson in his evidence, at page 33, on the second day of his being before the Committee. To pass to another subject, you mentioned to us the composition of the commission; is there any limitation with regard to that commission to require any one in that commission to have a local connection with the New Forest, excepting the fact of two of them being justices of the peace?—There are the four verderers.

784. I think in your Report you intimated that if the commissioners were to take an opposite view to that which was your duty, advice might be given to the Crown to appoint persons who were not connected with the county?—Where is that, may I ask?

785. In your Report of 1867, at page 11?—There was nothing, I presume, in the Act to prevent a certain number of commissioners being appointed who were not connected with the Forest; there were a certain number specified who must be connected with the county and the Forest.

786. So that when, in your Report of 1867, you stated that, instead of gentlemen interested in the locality, persons might be nominated living at a distance from the Forest, you wished to intimate to the commission that if they opposed your policy they might be followed by a commission of persons not connected with the county?—It was necessary to carry out the Act of 1851.

787. Has it been your practice to bring the plans and maps before the commissioners, so that they may have time to consider them before the meetings?—It was done latterly.

Mr. Rodwell.

788. The Right honourable gentleman has anticipated me in some questions which I was going to put; but there are still one or two matters which I want to clear up. I understand you, that in this Report of yours of 1867, you quite give the go-by to the legal view which Mr. Gardiner took in 1851 as to the effect of this Act?—I always thought Mr. Gardiner's opinion a wrong one, as far as I could judge.

789. From

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789. From that Report, and the evidence which I have heard in this room, I assume that you put the legal view of the Act taken by him altogether on one side?—I did.

790. Has it occurred to you that that evidence given by the legal representative of the commissioners had a certain effect upon the minds of the Committee who were dealing with that question?—That I cannot say.

791. And if you have read the evidence, have you any doubt that the Committee must have been influenced by the legal opinion given by the legal adviser of the commissioners at that time?—They might have been; but I never have read the evidence.

792. I will not weary the Committee by going through it; but have you observed that he was examined and cross-examined for the whole of one page, and the question put to him in different forms, but he never was shaken from his position, that the Crown did abandon then all its forestal rights?—I never read the evidence.

793. Then may I ask you, not having read that evidence, how it was that you came to the conclusion which you have drawn in paragraph 11 of the Report of 1867, without having given consideration to Mr. Gardiner's evidence upon that occasion?—I considered that Parliament did not take that view when it framed the Deer Removal Act of 1851, and passed it.

794. What section is there in the Act of 1851 which leads you to the conclusion that Parliament did not adopt Mr. Gardiner's view of the law?—The 7th section, specially reserving all the forestal rights of the Crown.

795. "Provided always that, notwithstanding the removal of the deer, and the extinguishment of the right to keep deer therein, the said Forest shall to all intents and purposes whatsoever remain vested in Her Majesty, her heirs and successors," and so on; "and nothing in this Act contained, or which may be done in pursuance thereof, shall be held to take away, alter, or affect any rights or privileges whatsoever of Her Majesty, her heirs or successors in, over, or upon the said Forest (other than the right of keeping deer therein), or to take away, alter, or affect the right of Her Majesty," and so on. That was altered after the Bill came through the Commons, was it not?—That I do not know; I never knew clearly what took place with regard to the passing of that Act.

796. Yours is merely a view of the law independent of the evidence given at the time, or the view which Mr. Gardiner entertained as to the effect of the law?—Yes.

797. But I presume you will concede this to me, that that Section 7 is entirely inconsistent with the evidence upon which the preamble of the Bill was proved in the year 1851?—I can hardly answer that.

798. The noble Lord, the Member for South Northumberland, asked you, at Question 564, this question; "I understand you not to recommend a general disafforestation, except in the event of your being disturbed in the exercise of the powers conferred upon you by the Act of 1851?" and your answer is "Yes." In what way have you been disturbed, or do you expect to be disturbed, in the exercise of your rights under the Act of 1851; what were you referring to in that answer?—The carrying out of inclosures.

799. That is to say, the rights which you have to inclose under the Act of 1851?—Yes.

Mr. Rodwell—continued.

800. And you claim to be undisturbed in them now?—Yes.

801. When you talk of their not having adhered to the law of 1851, have you carried out the law of 1851 in your inclosures?—I believe so.

802. Have you with regard to the waste places and the highways, or have you disregarded those provisions entirely?—We regarded them as much as we could in taking in these inclosures; and when there was a question, we submitted a case to the law officers of the Crown.

803. But independently of the submission to the law officers of the Crown, I want the fact; have you not, on more than one occasion, departed from the provision of Section 3 in the Act of 1851, which says, "that such inclosures shall be set out and made from and out of such parts or places in the said Forest as shall be found or ascertained by the said commissioners, or any three or more of them (one whereof shall be one of the said justices), to be most convenient to be inclosed, and to be best adapted for the growth and produce of timber or other trees, and may be best spared from the commons and highways of the said Forest." Now, have you adhered to that condition, that it should be the land that could be "best spared from the commons and highways of the said Forest," or have you taken it upon any other basis?—No; I think I have tried to adhere to the terms of the Act as much as possible.

804. I did not quite understand by whom those inclosures have recently been made; have they been made under the provisions of this 3rd section, or under some former Act?—If you mean the last inclosures, they were made under the provision of this 3rd section; all these inclosures (*pointing to the map*) have been made under the Deer Removal Act.

805. Another point which arises upon this subject, is this: the consideration which the Crown received in this Act of 1851, was the right of inclosing far more than the 6,000 acres that they originally had the power to inclose?—Yes, 10,000 acres.

806. Was not the Crown a great gainer by the extinguishing of the deer?—Well, there was no profit derived from the deer.

807. Was there not a loss?—That I do not know; I have never calculated; I was not Commissioner of Woods when the deer existed, and I cannot say.

808. Cannot you say whether the Crown, so to speak, did not save a loss by the removal of the deer?—I can say that the neighbouring proprietors were as much or more benefited by getting rid of the deer.

809. All persons having rights, and so on, were benefited, you say, by the removal of the deer?—Yes.

810. Was not part of the benefit which they would derive from the removal of the deer this, that they would have more ample pasturage, and at other times of the year, over the Forest?—As far as the commoners were concerned, yes.

811. I understand that the Crown exercise the power, do they not, of still retaining the close month?—Yes.

812. Upon what ground is that justified; the deer being gone, and one of the advantages which the public would derive from the removal of the deer, being the increase of feed during those months during which they had been excluded, why

Mr. Rodwell—continued.

why is that exclusion persevered in?—As I said on Friday, although the deer were removed, yet there are other beasts of forest and chase which were still in the forest, and, therefore, the forestal rights might have been retained for their preservation; the hare is a beast of forest, and, as Mr. Phinn remarked, the Crown might, at some future time, make the Forest a hare warren; evidently meaning that the hare was one of the beasts of the forest, and therefore a forestal right might be useful for the preservation of hares; the fox is also a beast of chase, and, as I said before, pheasants and partridges are fowls of warren, and the forestal rights might be of use in preserving them.

813. But you would hardly exclude horses and cattle and sheep from the forest, on the ground of keeping it for the hares?—I daresay the licensees of the shooting would be very glad if we exercised the right of excluding during the fence month; I believe it would be a very good thing for the preservation of game.

814. To go back to another point, you object to disafforestation, as I understand?—No; I say that I am perfectly prepared to carry out the provisions of the Deer Removal Act in strict conformity with those provisions, but if I am to be hindered in doing that, then I say let us have a general disafforestation, and let the Crown and the commoners part company.

815. I see, in your Report of 1867, at page 12, you say: "To any scheme for a complete separation of the interests of the Crown from those of the commoners in the New Forest (such, for example, as that which has been sanctioned by the Legislature with respect to Woolmer Forest), I am ready to give my best consideration;" and then you say this: "but to a partial inclosure or alteration of the interests of the Crown and commoners on the basis on which they now stand, as settled by Parliament, I could not recommend that assent should be given on behalf of the Crown and the public at large." Will you amplify that a little, and explain what you mean by that paragraph; do you mean disafforestation, or nothing; either the status of 1851 preserved, or disafforestation and no intermediate course?—I meant a total disafforestation if I am not to be allowed to carry out the provisions of the Deer Removal Act, but I am not in favour of any partial disafforestation, that is to say, of giving the Crown a certain allotment, setting out certain allotments to the Crown, and then allowing the rights of the commoners still to remain over the Forest, and the Crown still to be subject to the expense of preserving and maintaining its rights. Let us have a general disafforestation and separate them.

816. What you are in favour of, and what you would mean by disafforestation, is that the Forest should be partitioned, and part go to the Crown as consideration for giving up its rights, and the rest go to the commoners; that is what you mean by disafforestation?—Yes.

817. Would you have in view, then, leaving the part that was left to the commoners open land, or merely that they should be left to inclose, or do what they pleased?—That would be for them to determine. They might settle as they liked whether they would hold it in common, or whether they would have it allotted as was done in the case of Woolmer; in that case at first there was a portion set apart, which I believe the

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commoners kept in common for a certain time, and then they had a Bill brought in to allot it afterwards.

818. You are aware of that letter, perhaps you would call it the unfortunate letter, of Mr. Cumberbatch, which has been already referred to. I think you would agree with me that when that letter appeared it was enough to make the commoners a little suspicious?—Well, I dare say it was.

819. Has that policy been at all carried out in the slightest degree since 1851; have the commissioners done anything at all to take the best pasture?—It is necessary to take some good land, but we have got a great deal of very bad.

820. Are you prepared to say that Mr. Cumberbatch's policy has not been considered, I will not say acted upon entirely, but has that view been adopted; if there was a disafforestation, or the rights of the Crown were to be determined, no doubt Mr. Cumberbatch in a worldly point of view was right; but has that policy been in any way adopted?—Yes.

821. I will not use any offensive word, but that hardly seems like keeping good faith with the commoners; and you say it is a pity the letter ever should have been made public?—I think those opinions are better expressed *vis à voce*.

822. You mean secretly?—Not in black and white.

823. I am sure you would not do this; you would not have allowed Mr. Cumberbatch to have given what I will call insidious advice to the commissioners without the commoners being informed of what his views were on the subject?—I think Mr. Cumberbatch's advice in the interest of his employer was good, it was for his interest, and the Act says that those lands are to be taken which are best adapted for the growth of timber.

824. Best adapted for the growth of timber, but on certain localities, it says?—Yes, and then the Inclosure Commissioners were appointed to look after the interests of the commoners.

825. Under Section 3?—Under Section 3; if they objected to this land as being too large a quantity of good land and not sufficient of bad, they could alter the boundaries, and they could set out larger areas, or set out inclosures in different sites, and they did so.

826. Mr. Cumberbatch says in that letter to which I allude: "I have before mentioned that this would necessarily include the lands not yet inclosed, though selected by the Commission of 1851, and thus all the fencing of such selected inclosures would be saved, and a small slight bank might be thrown up to be a division between the land selected by the Commission of 1851, and the land selected under the powers of the Deer Removal Act. If this were done, nearly the whole of the land fit to grow oak timber in the New Forest, that is not covered with growing plantations, or already inclosed for the purpose of planting, would be inclosed; and though it must be some years before the whole of the old timber now standing upon the same could be cleared away, or the land planted, yet in the meantime much would become self-sown." That operation would have been against the interests of the commoners, would it not? the operation was to cover as much land as you could with timber either of the self-sown, or of that planted artificially; that was all hostile to the interests of the commoners, was it not?—The commoners'

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rights were always considered to be subservient to those of the Crown. The Crown's rights were paramount rights in the Forest.

827. But independently of those paramount rights of the Crown, looking to the spirit of the Act of 1851, and looking to the evidence given, and to the sort of contest that there was between the Crown and the commoners, do you think it was a fair advantage to take of the commoners, to carry out anything like this practice or policy?—I do not think that it was unfair to carry out the policy to the best advantage for the Crown and the public under the Act.

828. You see if there was any arrangement for disafforestation made now, in the view you take, any allotment or settlement of the question, then, of course, the commoners would be placed at a disadvantage?—The Crown would be placed at a disadvantage now in the case of any disafforestation, because it has not yet inclosed half of what it has the power to inclose.

829. It has the legal right to do so?—But it has not done so, and therefore, I suppose, it would stand in a worse position than if the 10,000 acres were inclosed.

830. I suppose some evidence will be given as to what really has been the saving to the Crown by giving up the deer?—Some one may be called who may give evidence upon that point; I cannot give any evidence upon it.

Chairman.

831. I think if you turn to your Report of 1871, at page 11, at the bottom of the page you state that the effect of the arrangement was "to transfer from the Sovereign to the nation the interest of the former as tenant for life in the income from the Crown property, and to constitute as trustees of a settled estate the Commissioners of Woods, who are now charged with the management of the property, and whose duties are thus of a two-fold character." You regard yourself, therefore, as trustee for the nation in charge of this property?—Yes.

832. And you feel it to be your duty to endeavour to obtain the largest possible revenue from the Forest as trustee?—Yes, consistently with proper management.

833. Do you feel that you are at liberty to regard considerations which an owner in fee would regard, and which some persons would call sentimental considerations, in dealing with this property?—My desire is always to manage the Crown property as a private owner would manage his. I am not aware that any private owner gives rights to the public to go over his property, as it pleases, and when it pleases; he may give them an indulgence every now and then; but I do not know that any private proprietor gives the public the undoubted right of going over his property; I should be very glad to have it over many properties myself.

834. Putting the commoners altogether out of the question, do you consider it as being your duty to regard any enjoyment on the part of the public in the Forest as an indulgence?—Certainly.

835. And therefore you think it your duty to preserve it as far as possible free from rights?—Yes.

836. Are you of opinion that planting and inclosing in the manner in which it was pursued from 1851 to 1871, was the most direct way of

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obtaining the largest return, the largest revenue for the property under your charge?—I think so; I think that land such as New Forest is far more profitably occupied in timber than in cultivation.

837. Then you rest your justification of the management which has been pursued by the Commissioners of Woods upon the direct profit to be obtained from the method of planting pursued since 1851?—I think that is the most profitable way of using the Forest; I do not know whether I have answered your question.

838. I understand your answer, but I rather want to bring out before the Committee the policy which the Commissioners of Woods have pursued in dealing with the property under their charge; you do not regard planting, then, as an indirect way of obtaining an ultimate profit from the Forest?—Yes, I think that by planting you will get the best ultimate profit.

839. In what way, by timber or by acquisition of land?—By timber.

840. Then the accounts which you put in, which represent a certain profit during a certain period of years, are accounts which are satisfactory to yourself as the result of the management of the property for the last 20 years?—I think they are satisfactory; there has been a great deal of money spent in planting, as you will see by those returns in several years; but still I think that that is money which will prove to have been well laid out; looking to the future crop when it comes to maturity, I think that it will prove to be a good expenditure.

841. You answered a question of the honourable and learned Member for Cambridgeshire just now, with reference to the fence month; do you regard the fence month as valuable in contributing directly to the income derived from the Forest by the Crown?—No, not immediately; in case of a disafforestation the right of the Crown to the fence month and winter heyning would of course be taken into consideration; the Crown derives no pecuniary benefit from the fence month or winter heyning.

842. It neither tends, if I understand you correctly, to increase the value of the timber which is growing in the Forest; nor in any other way to increase the revenue to be derived by the Crown from the Forest?—No.

843. But you do regard it as valuable as being so much in diminution of the rights of the commoners, which may at some time be asserted in an attempt to divide the Forest between the commoners and the Crown?—The Crown would, I presume, get a larger allotment in respect of its forestal rights, including fence month and winter heyning.

844. So that, speaking broadly, you would say that you maintain fence month and winter heyning in order that, when the day comes for an apportionment of the Forest between the Crown and the commoners, the Crown may get more in respect of the diminished value of the commoners' rights?—The Crown would be entitled to more from having those rights.

845. Do you now entertain any proposal from any residents in the New Forest or near the Forest, any of the owners of the small patches of land coloured yellow, for adjusting boundaries, or adding to or diminishing their estates in any way; you used to sell small slips of ground in the Forest?—No, I have not entertained any proposals since the Resolution of the House of Commons

Chairman—continued.

mens of 1871, because I conceive that, though not perhaps exactly specified in that Resolution, yet it would be against the spirit of that Resolution to have sold any portion of the Forest to private proprietors; I have had applications.

846. Then the Resolution of the House of Commons in 1871, which tied your hands as regards cutting timber, has also tied your hands in every other respect in dealing with the Forest?—In every other respect; I have done nothing whatever.

847. I think you stated that you were of opinion that it would be for the advantage of the old woods that some of the timber should be removed?—Yes.

848. It is necessary to deal with some of the timber for the sake of the existing ornamental timber?—Yes, for the sake of the existing ornamental timber, and also for allowing the young trees to grow up in place of the old decayed ones.

849. Then, in your judgment, it is essential that some proposals should now be entertained for dealing with the Forest?—Yes; certainly something should be done.

850. That an end should be put to the present uncertain condition of affairs?—Yes.

851. I think it is not, is it, in the power of the Commissioners of Woods to cut timber, excepting with the sanction of the Treasury?—Certainly, they must have that sanction, and the Royal Sign Manual.

852. That has been the case for some time past, has it not?—Yes, that has been the case ever since I have been in the office, and I believe previously.

853. I understand you distinctly to say that the only view which you take of your duty as Commissioner of Woods in the present condition of affairs is to urge, either that you should be at liberty to carry out the Act of 1851 according to the interpretation which you have given to the Committee, or that the forest should be disafforested, and a complete severance effected of the rights of the Crown and the commoners?—Yes.

854. The effect of that would be, would it not, that the Crown would retain the portion of land which would be allotted to it in fee, with a complete extinguishment of any right or privilege, or indulgence on the part of the public of access to that portion of the Forest which remained in the possession of the Crown?—The Crown would hold that as it holds the land which has been apportioned to it under the disafforestation of Whittlewood and Wychwood, and Bere, in Hampshire; there are very fine woods at Bere, which I once heard called "The Liberty," I believe simply because the residents in the neighbourhood ride through them, and occasionally picnic there.

855. And your experience of the results of that disafforestation, so far as these woods are concerned, is that the cost of management has become less, and the profit has become larger?—I think so.

856. I am asked to ask you whether the outer green line of that map which hangs on the wall, does not represent the first perambulation of Edward the First?—I am not quite certain, but I believe it does.

857. The inner line, it is stated, represents the second perambulation of that reign; but perhaps

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you have no information on that point?—I believe it to be so.

858. Is the outer line identical with the boundaries of the forest, as made by William the First?—That I cannot say.

859. Do the lands between the two lines appear in Domesday Book to have been afforested?—That I cannot say.

860. Are you aware whether forestal rights are attached to the lands beyond the Avon, westward, outside the boundary?—There are Crown rights attached to the waters of the Avon, but whether there are any beyond that I am not certain.

861. I mean, are there common rights attached to properties beyond the Avon, westward?—Yes.

Lord Eslington.

862. I understood you to say that you thought your present policy should be to manage the lands under your administration as a private landowner would manage his?—I try to do so as much as possible.

863. You have stated quite recently that it would be, or it might be, a good thing to exclude the commoners' cattle during the fence month, for the benefit of hares and other game?—I rather mentioned that in this way, that I was surprised that some of the licensees of the shooting have not asked me to enforce the fence month for the preservation of the game and to improve their shooting; I have no doubt it would improve the shooting.

864. But following up the idea of conducting the administration of the Forest as a private landowner would do, do you think that private landowners would think it necessary to close their lands against cattle for the purpose of encouraging the breed of hares and other game?—They might.

865. Do you think they would do so?—Their commons, do you mean?

866. I mean their private lands. You manage these quasi-public lands as a private landowner would manage his lands, you say?—Yes.

867. But you do not know of any private landowner, do you, who would exclude cattle during a summer month for the purpose of preserving hares?—Exclude cattle from what?

868. From his cultivated lands?—No; because he gets rent from those lands, and he could hardly exclude the farmer's cattle from the land which a farmer rents, in order to preserve the hares and pheasants.

869. Now, about this fence month; you retain the forestal rights of the Crown?—Yes.

870. And the forestal rights of the Crown give you the right to enforce the observance of the fence month, if you please?—I understand that is so.

871. You would have the right, I presume, during the fence month?—The right to exclude the cattle.

872. Would you not have the right to exclude the public?—Well, that I do not know, I suppose we should; certainly it was so intended, when the Forest was first afforested.

873. According to the explanation which has been given to us, that forestal right would give you the power to apprehend any person and ask him what business he had there during that fence month?—It might be so.

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874. Do

*The Hon.
Kenneth
Mansel.*

1 June 1875.

The Hon.
Kenneth
Howard.

1 June 1875.

Lord *Eslington*—continued.

874. Do you think that you could exercise that power; have you ever exercised it?—No; I have never exercised it.

875. And have you any intention of exercising it?—And I have no intention of exercising it at present.

876. Then, in the event of an apportionment of the Forest, do you think that you could claim, in respect of a right which you have never exercised, any additional apportionment of lands of the forest?—I think so, I think it would be so considered.

877. You have been asked whether the Crown was a gainer or a loser by the abolition of the deer. Is it not a fact, that while the deer existed the Crown had to set apart a certain portion of its cultivated lands for growing hay for the use of the deer in winter?—Yes, it did.

878. Then, to that extent, the Crown is a considerable gainer by the loss of the deer?—To that extent it would be a gainer.

Chairman.

879. Is there anything more that you would like to say to the Committee?—I have only two or three words to say. The commoners of the New Forest have been allowed to lay their petition before this Committee, and I hope that the Commissioner of the New Forest may be allowed to lay his before them. The commoners are represented on this Committee by two of their own body; one of them the largest possessor of common rights in the Forest, and therefore they are parties interested in this inquiry. I appear here almost alone, and therefore I have to crave the indulgence of the Committee while I submit my petition, which is simply this, that it may please this Committee to recommend Parliament to pass an Act without further delay, for the separation of the rights of the Crown and the commoners. It is now close upon 100 years that this vexed question of the intermixture of these rights has been before Parliament and the country. Every commission, every committee, every inquiry into the subject has more or less recommended the separation of these conflicting and incongruous rights. They are a perpetual source of embarrassment, a constant bar to improvement, a source of daily expense to the public Exchequer. Separate them, I pray you, once and for ever; and then for the future let each party go its own peaceful way. I have advocated

Mr. LAWRENCE HENRY CUMBERBATCH, called in; and Examined.

Mr. Cum-
berbatch.

Chairman.

889. ARE you the Deputy Surveyor of the New Forest?—Yes.

890. When were you appointed?—In 1849.

891. Then you were in the Forest before the Deer Removal Act was passed?—Yes.

892. And before the Royal New and Waltham Forest Commission was issued?—Yes.

893. Were a great number of claims put in before those commissioners?—Yes, a great number; it is stated at 1,300, and some more were put in too late.

894. What was the nature of the claims put in?—They included common of pasture, common of pannage, common of turbary, common of estovers, and the right to fern, gravel, sand,

Chairman—continued.

this policy for the last 20 years with all the arguments I know of, and I can do no more except say to this Committee—

“Si quid novisti rectius istis
Candidus imperti; si non, his utere mecum.”

Mr. *Cowper-Temple.*

880. You have used the words “a source of daily expense to the public;” what did you mean by that expression?—I have now since the Resolution of the House of Commons of 1871, been obliged to keep a man every day looking after the gates in Deny Lodge Inclosure, simply to prevent the commoners’ cattle from getting in; that is a daily expense.

Lord *Henry Scott.*

881. I have the permission of the Chairman to ask you a question with regard to the statement which you have just made; you have stated that there are two persons on this Committee who are commoners in the New Forest, and therefore largely interested in this inquiry; I want to ask you if it is at all contrary to precedent, that Mr. Cowper-Temple and myself should sit here as Members of this Committee?—I made no objection. I merely stated a fact that the commoners were represented; it is not for me to make the slightest objection.

882. Was not Mr. Compton himself on the Committee on the Bill in 1851?—I believe he was.

883. He was on the Committee also of 1854, was he not?—I believe he was.

884. He was an owner of common rights?—Yes.

885. So that he both sat on an inquiry and on a Bill, which was the Bill of 1851?—Yes.

886. So that it would not be contrary to precedent?—No; and I say that I merely stated a fact.

Mr. *Cowper-Temple.*

887. As you have mentioned my pecuniary interest, is it more than that one of my tenants has a right to cut turf, which he never exercises, because he lives three miles from the place where he could get his turf?—It is only the principle of the thing. The Right honourable gentleman’s interest in the Forest is very small compared with the noble Lord’s; it is in respect of Wade Farm.

888. It is a right of cutting turf?—Yes.

Chairman—continued.

marl, furze, springs of water, and apparently everything that they could possibly think of; and some of the claimants, even after that, added, “All other rights and privileges,” lest they should have forgotten anything.

895. That is not a very uncommon sort of claim; a man claims as much as he can get?—I have no doubt that was the view with which it was put, claim everything, and we shall get something.

896. From these claims so sent in, could any idea be formed of their extent and value?—Yes, a very good idea of the extent and value of the claims, but not of the rights.

897. Was the report of the commissioners presented

Chairman—continued.

presented to the House of Commons?—Yes, it was.

898. When was it presented?—It was returned to an Order of the Honourable House of Commons, dated the 15th of July 1850.

899. Was there a drift of the Forest shortly before the passing of the Deer Removal Act, during the winter heyning?—Yes.

900. Were there any drifts after the passing of the Act?—Yes, there were.

901. And did you find that there were cattle which had no right to be there?—I was referring more particularly to drifts during the winter heyning.

902. Can you tell when the last drift took place during the winter heyning?—I cannot remember at this moment, but it is some time since there has been a drift in the winter heyning.

903. And in the fence month?—In the fence month there has not been a clearing of the Forest within the memory of man.

904. Did you or the verderers' court exercise any jurisdiction over the persons who were found exercising rights or privileges of pasture during the fence month or winter heyning, who were found to be pasturing their cattle in the Forest during the fence months or winter heyning?—Not during the fence month, because there has not been a clearance of the Forest during that month, but there has been during the winter heyning. But it was not usual to convict them under the Pasture Act unless they insisted upon it by not paying the amount of the fine which that Act, the Pasture Act, levies upon them. If they paid the fine, they signed a paper in which they begged that they might not be convicted before the verderers, a copy of which paper I can produce.

905. What is the Pasture Act to which you refer?—The only Act there is specially regulating the pasture in the New Forest; it is the Act of the 59th of Geo. 3, for regulating the exercise of the right of common in the New Forest as far as regards the heyning time. This (*producing it*) is a printed copy of what has hung in the Verderers' Hall from, I believe, the date of the Act, or nearly so, to the present time, and is hanging there still.

906. From time to time that Act has been put in force?—From time to time that Act has been put in force as regards the winter heyning.

907. With great consideration to the persons whose cattle was found there, I apprehend?—Yes, with great consideration to them, except that there was a certain period when it was very strictly enforced.

908. Can you state how long ago that was?—After the notice given in 1852, a public notice which has been alluded to before this Committee.

909. Then from 1852 up to about what time was that Act strictly enforced?—For several years after that it was very strictly enforced.

910. And under that Act you inflicted fines on persons whose cattle were found there?—Yes, on persons whose cattle were found there. I have a large list here of the seizures of cattle unlawfully found depasturing in the Forest, dated 1852, and if the Committee like I will read what were the costs.

911. If you will give one instance it will be sufficient, I think?—This is the first one: "New Forest, 14th February 1852. Received from 0.100.

Chairman—continued.

New Park eight colts belonging to me, which were by Charles Primmer, one of the under foresters of New Forest, found unlawfully depasturing in the said Forest during the present heyning season, and seized and impounded by the said Charles Primmer according to the form of the statute in such case made; and I have paid to Mr. L. H. Cumberbatch the fine of two pounds and sixteen shillings, together with four shillings for the cost of one day's keep, each which seizure and impounding I hereby acknowledge to have been properly made, and the said several sums of money justly received; and I do hereby waive the necessity of any proceeding to convict me of the said offence, and request that no such proceedings may take place. George Golden, Cauterton."

912. Then the rights of the Crown, under the Act of 1851, to winter heyning have been asserted and unquestioned within a very recent period?—Yes.

913. Evidence has been given before the Committee as to the arrangements under which the inclosures by the Commissioners of the New Forest are carried out; are you of opinion that the restriction to inclosures of 300 acres is necessary in the interests of the Crown and of the commoners, or is it to the advantage of one more than of the other?—It was inserted in the Act of 1851 at the request of the commoners, or I should, perhaps, say of the verderers on the part of the commoners, in order to prevent the Crown from taking small bits of good land without taking a considerable portion of inferior land with it; that was the idea at the time, and the view with which that clause was inserted, and not for any benefit of the Crown.

914. The result is, that large tracts of land have been inclosed in immediate contiguity with each other; I think that is the case, specially in the southern portion of the Forest?—Yes; it is especially the case in two places there, only driftways having been left between them, allowing for the access of the cattle and the public.

915. Have the public a right to the use of those driftways, or is that a concession on the part of the authorities of the woods?—The right of the public to use those driftways would depend upon whether they were public highways; and what constitutes a public highway is a very difficult thing to determine, and must be determined by the individual case referred to, the individual trackway.

916. It is possible, I suppose, that the deputy surveyor of the New Forest might contend that a driftway was not a highway, although it might be necessary for the commoners' cattle to pass by it in order to reach pasturage?—I think that the commoners' cattle passing along it, and their having a right to pass along it, would not constitute it a public highway; it would be a right for those particular commoners to drive their cattle in that direction, not a right for the general public; there would be a distinction between the two.

917. I understood Mr. Howard to state that it was no part of the duty of the Commissioners of the New Forest to set out highways, but that it was their duty to set out inclosures; is that so?—The Act does not provide for, as far as I am aware, or allude at all to, the setting out of highways by the Commissioners, but they are only to set out the inclosures, and to have them butted and pounded and measured by a sworn surveyor.

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918. What

Mr. Cumberbatch.

1 June 1875.

Mr. Cumberbatch.

1 June 1875.

Chairman—continued.

918. What I am anxious to convey to the Committee is, whether the setting out of an inclosure of the character marked in the southern portion of the Forest to the extent which those green inclosures amount to would, under your view of the law, exclude commoners from any right to pass with their cattle through that inclosure to pasturage which they had been in the habit of using?—In the case of the Park Hill and Denny Lodge and Perry Wood inclosures, to which you allude, it was considered necessary by the Commissioners, of whom I am one, to leave a driftway for the purposes of the commoners' cattle passing through that large tract of country; and it is open to the commoners and to the public at the present time.

919. Then the commoners and the public have no grievance so far as that inclosure is concerned?—I do not think they have any, because not only was the driftway, to which I have alluded, left, but the Commissioners also took care to provide a driftway between the inclosure called Park Hill, and the inclosure called Denny, in which Denny Park or Denny Wood stands; it will be seen by a reference to the plan that those two open driftways remain uncoloured, and open to the commoners' cattle, and to the public now.

920. Are you of opinion that it would be advantageous that smaller inclosures should be authorised than 300 acres; advantageous I mean to the interests alike of the commoners, and of the Crown?—It would, in some cases, no doubt, be beneficial both for the Crown and for the commoners; the only objection which I see on the part of the Crown is, that it would increase the cost of fencing considerably, because if you double the fencing of an inclosure, you inclose four times the acreage.

921. Are you able to give the Committee any information as to the profits which have been derived by the Crown from the system of inclosure and planting?—As regards the inclosures under the Deer Removal Act made since 1855, there has been very little derived from them, because they have only been recently planted, and like a green crop of wheat which is just out of the ground, no profit can possibly be derived from them.

922. It would not be fair, then, to take the experience of the past 20 years as any guide to the income to be derived from the policy which has been pursued during the past 20 years?—It would not be fair to judge entirely by the annual income from those very young plantations as to what the ultimate result might be.

923. I think you have been in the room while Mr. Howard has been giving his evidence; honourable Members have asked questions in the direction of the preservation of the ancient woods with a view really to the growth of timber, self-sown trees, in the ancient woods; from your experience as surveyor, do you think that that policy might be pursued with great advantage to the picturesque character of the Forest, and with also some future return in the way of profit?—I am of opinion that it would be highly beneficial, that many of those unrivalled woods of the New Forest should be temporarily inclosed in order that a succession of young trees might grow up in them. My experience is, that as soon as these old woods are inclosed, almost all the vacant spaces in them get filled up with a

Chairman—continued.

succession of beautiful young oaks, birches, beech, and other trees; and this may be seen at the present moment in those numerous clumps of old timber which are left, not only in the inclosures made under the old Acts previous to the Act of 1851, but also in those made under the Act passed in the year 1851, the Deer Removal Act.

924. The inclosures that you advocate, then, are inclosures for the protection of the young trees against cattle, rather than for the exclusion of the public who may wish to get into them?—The public would not be excluded at all, even during the time that they were inclosed in order to get the young trees up.

925. The result would be, would it not, that the Crown would save the cost of planting, which is very considerable?—It would, so far as regards those parts of the Forest which are now covered with timber; but it would be useless to attempt to grow trees on such barren parts of the Forest as we have inclosed, where there was no timber now growing to seed the ground, and where the soil was of such a nature that, without draining it and planting it, you could never hope to get up a useful or ornamental crop of trees.

926. Then you would recommend that the existing old woods should be preserved, and from time to time inclosed, only to the extent of protecting them against cattle, with the view of encouraging the growth of young trees?—I would; and that must be very carefully done, so as not to disfigure the Forest more than is absolutely necessary, particularly any public roads that run through the Forest.

927. That has been done, has it not, in the case of one or two of the old woods?—It has been done to a certain extent. For instance, in Knight wood, planted under the Deer Removal Act, no timber whatever has been cut. All the clumps remain, and are full of young beech, birch, and oak. I should not say "none of the trees," because a few dead ones have been cut, to satisfy the claimants to fuel wood; but they are very few in number, and merely the dead ones.

928. Then you do not agree that the most profitable course to pursue in the management of the Forest, is to clear the old woods smooth, as the phrase goes, and to replant them; but to retain the old woods, and allow self-sown trees to replenish the woods, and so maintain the picturesque character of the district?—I should give that advice with regard to the old woods which now remain in the Forest. When I came into the management of that property in 1849, there was a vast amount of trees of an inferior character, as well as trees of a very superior character, which had attained maturity, and which I considered ought to be cut; but at that time the Office of Woods were in the habit of supplying the Navy with timber, and those woods were cut, leaving only ornamental clumps in different places; the best of the timber went to the Navy, and the inferior timber was sold, and the ground was replanted, and is now growing young plantations.

929. A very considerable income might be derived from careful management of the woods, and cutting out timber which was beginning to injure other timber or trees, and by pursuing such a course of management as a private owner usually pursues in his own park; would not that be the case?—A considerable income might be

Chairman—continued.

so derived; and it would be absolutely necessary for the good management of the timber that the woods should be so treated, because it would be useless to leave trees which were absolutely dead standing, except they were of that large size and highly ornamental character which would induce you to leave them even till they fall absolutely rotten; and there are also other parts of the Forest where it would be necessary to remove decaying trees, in order to let the fine young trees which surround them grow up and become fine trees to take their places.

930. Do you apprehend that there would be any practical difficulty in carrying out, so far as the old timber is concerned, an arrangement of that character; would the commoners consent to such an amount of inclosure as would admit of a gradual renewal of timber in the old woods?—I think that those commoners who have paid attention to the subject, see, from the example before them of the clumps in Wood Fidley, in Vinney Ridge, in Knight Wood, and other parts of the Forest, that the most beautiful woods can be grown by that course, and therefore I think that the commoners, at any rate those with whom I have conversed on the subject, would be glad to see the woods renovated in that way; but if that, or some other course, is not pursued, such woods as Mark Ash and Holland's Wood will, in the course of time, disappear from the Forest and become bare; that has already taken place, to a certain extent, in Holland's Wood, in Mark Ash, and in Denny, and the process, which I have watched carefully for 26 years nearly now, is still going on.

931. Then you advocate this policy, alike in the pecuniary interest of the Crown and in the interest of the public, who have a direct concern for the picturesque effect of the Forest, and you are also of opinion that it would not be opposed to the interests of the commoners?—Of course, during the time that those woods were inclosed, the certain amount of pasture which there is in them, the Commissioners for the time would be deprived of; but the great benefit which would accrue to Her Majesty and the British public by preserving those woods, would, I believe, induce the commoners to consent to those woods being so inclosed.

Mr. Cowper-Temple.

932. Would you give us information as to any inclosures in which old trees have been left independently of those of which you spoke as having clumps; any where there are more than clumps left standing?—In the case of the inclosure called Knight Wood, the whole of the woods which were standing in the site of that inclosure at the time it was inclosed, are now standing there, with the exception of a very small number of dead trees, which have been cut down to supply fuel wood to the commoners.

933. But is it not the fact that all you see there can you designate under the name of clumps, they are only small groups of trees?—They are all that were there, there were but clumps before because they stand upon the good land, and the other is land on which there could not be any fine timber, oak or beech.

934. Did you follow the ordinary plan in Knight Wood of draining the land that you planted?—We drained the land when it was 0.100.

Mr. Cowper-Temple—continued.

necessary in order to get the plants to flourish, but we did not drain where the land was naturally dry.

935. So that, practically, there was no necessity of interfering with these old trees for the sake of the drainage?—Not for the sake of the drainage, because they stood upon the dry land.

936. Would you tell us of any other inclosures in which trees were left?—In Perry Wood inclosure a very handsome clump of trees called Wood Fidley was left containing one of the largest beech as regards timber in the whole of the Forest. There were also, in the same inclosure, a considerable number of trees in a part of the inclosure called by some people Irons Hill, and by others Palmer's Water. There were also a few trees left in that inclosure near Whitley Ridge Lodge. In Vinney Ridge inclosure there was a larger clump of trees called the Heronry; also another clump called Birchen Hat. In Acre's Down inclosure there was a large and conspicuous wood called Puckpita, only a part of which was cut; that was out of sight when looked at from a distance, the conspicuous part being left entire without any trees taken out from it because it was so handsome an object from Bolderwood Hill. Part of Wickwood was left in the same inclosure, also untouched, except that a few trees had been taken out that were very much decayed, for fuel wood. In the same inclosure part of Bolderwood Hill was left.

937. Might I ask whether there has been any case of leaving a wood a complete wood after it was inclosed?—Yes, in the case of Knight Wood complete woods were left.

938. But as you said they were small in extent on account of the soil?—They were not large, although altogether it makes a large wood.

939. But no wood of a considerable size has been left, I suppose, within the inclosure?—No, every large wood has been left in any case.

940. You do not lay it down as a principle, I presume, that the old trees must always be cleared in order to prepare the ground for the planted trees?—If you are to have a young tree growing in the precise spot in which the old one grows, or very near to it, particularly in the case of beech trees, it is absolutely necessary to cut that beech tree.

941. I presume that your operations would a little depend upon whether you were content to get out your trees from time to time by thinning them, or whether you were aiming at getting a complete crop ultimately that might be taken at once, at the same time?—Yes.

942. And either course would be consistent, I suppose, with good forestry?—Yes, it would vary under the peculiar circumstances of each case.

943. When you stated that you might inclose Mark Ash temporarily, had you reference to this, that the time would come when, if cattle were not admitted, the undergrowth might be such as to interfere with the trees that you had planted, or that had grown up spontaneously; I refer to all that holly and undergrowth?—I do not think that it would be necessary to turn cattle into it for that purpose.

944. Do you think that, on the whole, it may be an economical way to allow trees to grow spontaneously instead of going to the expense of planting them?—Certainly; in many places it would be the best plan.

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945. Has

Mr. Cumberbatch.

June 1875.

Mr. Cum-
berbatch.

Mr. Cowper-Temple—continued.

1 June 1875. 945. Has your experience shown you that trees that are self-sown are often better trees than those that have been transplanted from a nursery?—As far as my experience goes, I think that as fine trees may be produced by planted trees as by self-sown trees.

946. But is it not a fact that some people of experience give the preference to the self-sown trees?—Certainly they do; and when the plantations were first begun to be made in 1808, it was the general opinion of those numerous parties who were consulted by the Commissioners on the subject, that the plantations should be sown with acorns. That was tried, and completely failed, after repeated attempts to rear plantations; the mice came in such extraordinary numbers into the forest, that as many as 10,000 mice were caught in traps in a very few weeks. I have a book here which relates wholly to the trapping of mice, reports to Lord Glenervie from the deputy surveyor of that day, and this is one instance from the 10th of April to the 17th of April 1849; 36 long tailed, and 1,329 short tailed, mice were caught in the different inclosures in the New Forest in that one week. In another return, dating from the 13th of September to the 26th of December 1813, 10,542 mice were caught.

947. Was there any theory as to whence these mice came for this attraction?—As I was not then born, it is not possible for me to give any answer to that question.

948. But I suppose you only anticipate a recurrence of that calamity if a very large number of acorns were planted at the same time?—I have tried it myself in a great number of cases with the utmost care, but invariably the mice or the birds took all my acorns.

949. Is it found that cattle will damage the young trees which spring up spontaneously?—Yes, they damage them very much, indeed. There are little oaks in the open forest which, to my knowledge, have been growing there for five-and-twenty years, and yet have attained no greater height than this table; while within a very short distance on similar land very fine large timber is growing.

950. Do the hollies act as a protection to these young trees when they first grow?—Yes, they do; and in parts of the forest, such as Castle-malwood Walk, the holly that has as it were nursed and grown, the oak is still there by the side of the oak, the oak having ungratefully nearly killed the holly by overspreading it.

951. Are the fir trees spreading themselves rapidly over large tracts of the Forest?—Yes, they are; the self-sown fir are increasing to a very considerable extent in the Forest.

952. Is that one of the results of the removal of the deer?—I do not think it is a result of the removal of the deer, because the deer, so far as I am aware, are not fond of turpentine, and therefore would not crop the young fir trees.

953. Have you not observed that this rapid growth and extension of self-sown firs is chiefly visible since the deer ceased to roam over those places?—As I was not in the Forest before that time, I can only speak on that subject to a certain extent; but before the removal of the deer there was a very considerable portion of land covered with self-sown Scotch fir, which trees have now got to a great size.

Mr. Cowper-Temple—continued.

954. Can you speak confidently to the fact of the deer not injuring these self-sown fir trees?—Well, I never saw, so far as I am aware, a single fir that had been eaten by a deer; I have seen the bark knocked off with the burnishing of their horns, but I never saw in the Forest, that I am aware of, a fir tree injured in its shoots by deer.

955. Can you inform us how many acres there are in the wastes of the Forest on which old ornamental timber is growing?—It is difficult to give the exact acreage, because the trees stand so scattered about in clumps; but I think that it may be said to be about 5,000 acres, more or less.

956. I think I understand from you that if the policy of the department were to preserve the picturesque timber and trees in the New Forest, it would not be difficult to supply successors to them by spontaneous growth, if a fence were surrounding them for a time?—No, certainly it would not; they would be rapidly replenished with young trees.

957. We have been told that 1,003 beech trees were cut since 1871 for purposes of fuel and charcoal; could you tell us whether they were mainly cut for charcoal, or whether any considerable portion was also used for fuel?—I am not able to state that off-hand, because it is a question which I was not aware would be asked me.

958. I think you have stated already in print, that fuel is ordinarily supplied by the tops of those trees that are cut for other purposes?—That was the case so long as we felled timber; the whole of the fuel could then be supplied from the tops of the trees; but when we ceased to fell for the Navy or for sale, then it became necessary to mark trees especially for the purposes of supplying fuel to those who have common of estovers.

959. Would the ordinary thinnings supply fuel in ordinary times?—The ordinary thinnings of oak could be cut up into fuel wood; but it would be rather an extravagant mode of supplying the fuel, whilst a considerable quantity of very decayed and dying and dead beech were left in the Forest; but a time may come when rather than cut the ornamental timber of the Forest for supplying common of estovers to the commoners, it might be advisable to supply them with the young oak trees, the thinnings of the plantations.

960. Can you state how many acres have been inclosed in all for purposes of providing hay for the deer in former times?—No open lands of the Forest were inclosed for that purpose at all so far as I am aware. The hay for the deer was grown at New Park, which was the freehold property of the Crown so far as I know, or so far as I have ever seen any record; at any rate it was inclosed, and in the occupation of the Duke of Bedford in early times; and so far as any returns that have come within my knowledge go, that was always inclosed as the freehold of the Crown, and not of the open Forest.

961. Do any of the thrown-out plantations provide herbage in a satisfactory way for the cattle?—They do provide herbage to a certain extent; they are frequented daily, and sometimes several times in the course of the day, by the commoners' cattle.

962. But the contiguity of the trees would naturally prevent much herbage from growing there?

Mr. Cowper-Temple—continued.

there?—While the trees were very thick there would be less pasture; as the trees continued to be thinned, so the pasture would improve, and the bushes, which are destroyed by the cattle from time to time, would also leave space for more grass to grow; the longer the plantation has been thrown out the better the pasture gets.

963. Mr. Howard referred, I think, to you to let us know what reduction of expenses could be contemplated as likely to follow a disafforestation, and a partition of land between the Crown and the commoners; could you tell us what diminution of the expenses of management would be likely to occur if the Forest were divided in half, and the portion which was not given to the Crown were to cease to be under the management of the Crown?—I cannot state that accurately, because it would require considerable consideration, and also it would be necessary that I should know in what parts, and in how many divisions, the Crown got its allotment; but as a matter of principle of course, if you had to look after a less portion of land, and that land were concentrated and not subject to rights of common, it could be easier looked after; because, as regards the game, it is much more difficult and more expensive to look after game upon a common, where everybody is passing to and fro, than it is upon a private gentleman's estate where the land is absolutely freehold, and he can exclude all parties at all times of the year.

964. Do you see any other reduction that could be made than that of a reduction in the number of keepers?—That, again, would depend very much upon the number and position of the allotments which the Crown might get under the inclosure.

965. I mean, as it would not affect the woodmen that were employed, are there any other persons that could be affected by it except the keepers?—Yes, I think there would be. I think that if the extent under my charge was considerably reduced, it would not be necessary for me to have three assistants under me.

Mr. Alexander Brown.

966. The Chairman, in his examination, suggested that the old woods of the Forest should be inclosed, and that self-sown timber would grow up in them. What extent is now remaining of the old woods, is there anything like 5,000 acres?—About 5,000 acres. I answered the question just now, by saying that it was very difficult to state with any accuracy what the extent of the old woods is, because they are composed of a clump here and a clump there, a tree here and a tree there; but about 5,000 acres are more or less covered with timber, old natural timber.

967. And to that extent, if that is taken away, there would be a prejudice to the rights of the commoners?—Of course, so long as it was inclosed, the commoners would have no benefit from it; but I should deprecate inclosing with fences such a large portion of the old natural woods as 5,000 acres at one time, which would be the whole. I should deprecate that being done very much indeed. I think it would be a great disfigurement and dis-sight to the Forest to attempt it.

968. In these old woods, and adjoining them,
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Mr. Alexander Brown—continued.

I understand that the best pasturage is now to be found; the pasturage on the heaths or on the lawns is not so good as that in the old woods?—That is not so. The pasturage upon the lawns of the Forest, which are entirely free from timber, is better than the pasturage under the old woods.

969. But the pasturage on the heath is not good pasturage, is it?—The pasturage on the heath is no pasture at all to a short-horned cow or a short-horned ox, but it is pasturage to a forest cow or pony, which are heath-croppers; they feed, at some times of the year, almost entirely upon the heath.

970. Anyhow, we may take it generally that the inclosure of these old woods, if they were to be reserved for the purposes of inclosure, would materially affect the rights of the commoners?—It would, if there were an addition to the powers which the Crown already possesses of inclosing 16,000 acres at one time.

971. And, as I understand you, you would not suggest that this inclosure should be, in addition to the rights of the Crown, to inclose clean, smack, smooth, and then plant again; but that this inclosure of the old woods should be only part of the powers which they now had for inclosure?—I do not propose to cut smack, smooth, any, or, at any rate, only very few, of the existing woods in the Forest; and I should contemplate that these inclosures which have been suggested of the old woods should not be in addition to the 16,000 acres which the Crown has the power to keep inclosed at one time.

Lord Eslington.

972. New Park was extensively employed, I think, so far as the inclosed portions were concerned, for growing hay for the deer, was it not?—Yes; that was the case for many years before the deer were done away with.

973. The land at New Park is about the most valuable in the Forest, is it not?—I do not think that the quality of New Park is better than the quality of some other parts of the Forest.

974. But the condition of the land at New Park now is very good?—The condition for cultivation is very good.

975. Supposing, therefore, that New Park was now employed in growing hay for deer, would not a very considerable loss accrue to the Crown in consequence of having to appropriate that very good land for those purposes?—It would; the cost or value of the hay for the deer, when a large quantity was kept, was very considerable.

976. And if the Crown were at the present moment exercising the undoubted power it possessed, of keeping 7,000 or 8,000 deer, would not a very considerable loss accrue to the Crown in having to grow that large quantity of hay?—Yes, it would; unless the Crown let the shooting of the red deer and the fallow deer, as the forests in Scotland are let for shooting purposes, by private proprietors.

977. But the Crown never did let the right of shooting the deer, did it?—It never did; the Crown granted it to the Lord Warden for the time being.

978. That was a grant?—That was a grant.

979. But there never was in the memory of man, or at any other time, I believe, was there, any profit derived by the Crown from the letting
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Mr. Cumberbatch.

1 June 1874.

Mr. Cum-
berbatch.

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Lord Eslington—continued.

of the rights of shooting deer?—Not that I am aware of.

980. Therefore, taking it in that light, the abolition of the deer has been a very considerable gain to the Crown?—It has been a gain in money value, but a loss to Her Majesty and her people of the right of keeping an unlimited quantity of deer there, which by them was, no doubt, considered a very valuable right, as it would be, and is considered by large landowners in this country who keep a large stock of deer in their parks.

981. In a sentimental or picturesque point of view, as you like to put it?—In both a sentimental and also a picturesque point of view.

982. You have told us that it is too soon to form any accurate judgment of the value of the inclosures which you have made under the powers of the Act of 1851. I want to ask you how soon, in your estimation, will a fir plantation become profitable on a tolerably favourable ground?—I did not intend to say that no judgment could be formed of the ultimate value of these plantations from their appearance, but that no judgment could be formed from the money which has been actually realised from them hitherto. The appearance of the plantations is such as to give promise of very considerable profit eventually.

983. They are growing extremely well and very rapidly, are they not, in many places?—On the whole many, many of them and most of them, I think, are growing very rapidly.

984. Then I want to know how soon you expect to derive profits from the earliest plantations inclosed under the Act of 1851?—Profit has been already derived from those plantations, as, for instance, Vinney Ridge, where they have cut out many thousands of Scotch fir trees and larch trees.

985. Was that one of the earliest?—That was one of the earliest under the Act of 1851, the Deer Renovation Acts.

986. If you were enabled to grow, advantageously, larch all over the Forest, your inclosures would be a great deal more valuable than they are, would they not?—If it were possible to grow larch with any chance of its coming to perfection they would; but the attempt has been made in one of the Crown woods to grow larch, and it has been a complete failure; the land, which it was contemplated would now be paying a large sum of money, is still absolutely an annual loss; but the Scotch fir which were planted at the same time are now in a very flourishing state, giving promise of profit.

987. To go on with this question of the growth of larch, we may take for granted what you have stated, that in most parts of the forest larch does not grow well?—I have tried it in many places and it has utterly failed; the trees that I planted 25 years ago are not the height of this table now, and are not growing at all; some are absolutely dead.

988. Is it not a curious fact also that although the young trees do very well apparently for a few years, they go off in an extraordinary manner after four or five years, or even more, growth?—I have known trees growing upon what you would say was good larch land in the New Forest, and growing rapidly too, at 22 years old completely rotten at the butt.

989. Have you any larch in the Forest of 20 or 25 years' growth that really is doing well?—

Lord Eslington—continued.

Yes, there are some that are doing very well; and I have cut trees containing 40 and 50 feet of larch; but they were unsound at the butt, and some of the trees were absolutely dead; they died at that age; it is to a place near Bolder Wood, in a plantation called Holm Hill, that I am now alluding.

990. Spanish chestnut grows very well, does it not, in part of the Forest?—Spanish chestnut grows remarkably fast, too fast, I believe, to be sound; it is invariably as shaky as a bundle of laths, and is also subject to that worst description of shake called a cuppy shake; that is where one year's growth parts from the other; so that when you come to convert the tree by cleaving, the heart of the tree, of the size, perhaps, of my leg, will come clean away from the rest of the tree.

991. Is not Spanish chestnut very valuable, and very much sought after for hop poles?—Yes, it is; but the carriage from the New Forest to the hop-growing districts would be so considerable that I do not think it would be a profitable thing to attempt to grow hop poles; more especially as, in order to grow good hop poles, it would be necessary to plant trees as close as 18 inches or two feet, which would draw up the oak trees and other trees adjoining too much for the growth of fine timber hereafter.

992. But is there anything in the Act of 1851 to prevent you from planting, solely for the purposes of profit, any portion or any extent of those inclosures that you please; there is nothing to tie you to grow oak in the Act of 1851, is there?—Oak and other trees may be grown by the Act of 1851; that Act does not appear to indicate the manner in which the plantation shall be made.

993. Then there is nothing to prevent you from growing that which would be of the most profit as a matter of revenue?—The Act says it shall be for the growth and preservation of timber and trees, and does not appear to indicate further the mode in which it is to be done.

994. Then I want to ask you why it is that, with the demand in your immediate vicinity for hop poles, and it may be for other hard wood, you have not appropriated larger portions of the Forest especially for the growth of hop poles?—It is not the fact that there is a large demand in the neighbourhood of the New Forest for hop poles. There are no hops grown there, and consequently there is no demand for hop poles.

995. But hops are grown extensively in all the adjacent counties to Hampshire, are they not?—Yes; but then there is the carriage; the expense of the carriage from the New Forest to those counties would be so great that it would not be profitable for the purchasers of hop poles to neglect purchasing the hop poles which they can get for their purposes in their own immediate neighbourhood, and to come 40, 50, or more miles to purchase hop poles in the New Forest, supposing we have grown them.

996. You could ship timber at Lymington, or upon the Beaulieu water very easily, could you not?—We could ship timber, and timber is so shipped, but not hop poles; hop poles would go by rail to Farnham, and those parts of Hampshire where hops are grown nearest to the New Forest.

997. Now, in regard to hazel, do you know Dorsetshire?

Lord Eslington—continued.

Dorsetshire?—I know some parts of the adjoining county of Dorsetshire.

998. Are you aware that hazel is extensively grown in the neighbouring county of Dorsetshire, of which at four years' growth the hazel cuttings are worth 7 l. or 8 l. an acre?—I have never known so much profit derived from hazel of four years' growth, as that which you have mentioned.

999. Do you know that it is used extensively for making wattle hurdles for sheep?—That is the general use that is made of hazel in an agricultural county, and it is the use to which hazel is put in private copses within the New Forest.

1000. Then have you planted hazel at all in the New Forest with that object of a four years' growth, we will say, or a five years' growth, converting it into that very saleable and valuable article which I have named, namely, wattle hurdles?—I have never received any instructions to devote the plantations in the New Forest to the growth of hazel copse-wood.

1001. Who directs, and is responsible for, the planting in the New Forest; is it yourself?—I am only a subordinate officer; the Commissioner of Woods and Forests is the person from whom I receive my instructions with regard to the planting.

1002. And may I ask does Mr. Howard consult; is he ever advised by practical men in the crop that he plants?—Mr. Howard and former Commissioners have been advised by men well acquainted with the management of woods; and their reports are published, and have been presented to Parliament on more than one occasion.

1003. And I believe they have been generally favourable to the system of planting adopted?—Well, there have been no very recent reports; but when the reports were made they described the plantations made by the Crown as well made, and generally in a flourishing condition.

1004. In cases where you clear, or where you have cleared, the Forest of timber, does the timber grow very readily from the stools?—No; the timber was old and ripe and decayed, and does not come up much from the stools, but a considerable quantity of trees do grow up from the acorns where the timber has stood.

1005. And will the mice allow it to grow; because you have told us that the mice are the great enemy to the springing up of young trees from acorns?—Yes, the mice are great enemies to the springing up of young trees where you sow acorns in very large quantities.

1006. Do you sow acorns extensively in your nurseries?—Yes.

1007. Do you find that the mice trouble you there much?—They trouble me very much, and it is necessary to have traps constantly set, or the whole, or a good portion, of those acorns would be destroyed by the mice.

1008. You have told us that which many of us know, that the fir self-sows itself very extensively in parts of the Forest?—Yes, it self-sows itself very extensively in several portions of the Forest.

1009. Have you yourself sown fir, if I may so speak, broadcast over uninclosed portions of the Forest to any extent?—I once put a certain number of fir clumps down; but I have examined the ground with great care, and in no case could

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Lord Eslington—continued.

I find that one single seed had germinated, and produced a fir tree.

1010. Are not the self-sown firs growing very rapidly and very well round the base, and particularly the north base, of the Wilverley Hills at this moment?—Yes, there are some growing there, but they are not growing there nearly to the extent which they are in some other parts of the Forest.

1011. I want to know, as a matter of fact, do the ponies injure the self-sown firs much?—Yes, they do; but I think that, of the two, the cows do much more to damage the Scotch fir trees than the horses do.

1012. I was going to ask that question; the cattle do injure them very much?—The cattle do injure them; they appear to like turpentine; I could show hundreds of trees now which have been deprived of nearly all their shoots, including the leader, by the cows during the past winter.

1013. But have you not observed that cattle seem to attack the same plant continuously each year as it makes its shoots?—I have already mentioned that trees, oak trees, which I have watched for the last 25 years, are no higher than this table now, being continually, year after year, deprived of all, or nearly all, their shoots by the cattle.

1014. If you found that the Scotch fir self-sows itself, and flourishes so well and rapidly self-sown, would it not be a cheaper method to carry out your inclosures in places where the fir self-sows itself in preference to inclosing new spaces and wastes?—Where the fir self-sows itself and becomes a wood, it would be unwise to plant and inclose that which is already planted and made a plantation by nature.

1015. But, then, is there anything, excepting the one clause requiring you to plant not less than 300 acres, which ought to prevent you from using the powers of inclosing under the Deer Removal Act in respect to self-sown portions of the Forest, in preference to bare portions of the Forest?—There is nothing that I am aware of in the Act to prevent the Crown from inclosing where self-sown trees may be growing.

1016. Then I would ask you whether, in an economical point of view, and in a double point of view, namely, the economy of saving the expense of artificial planting; and the economy from the more rapid growth of self-sown trees, you would not think it an advisable policy rather to inclose self-sown portions of the Forest than other portions of the Forest?—There would be no objection to inclosing portions of the Forest which are already self-sown and grown beyond the danger of cattle.

1017. But you have just told us, have you not, that the cattle injure the young trees very much?—They only injure them whilst they are in the young state and within reach of their leader; when they grow beyond that they are past danger from any cattle, and they require no inclosure.

1018. But if you inclosed the young trees while they are still very young, surely they would grow very much more, certainly much better, inclosed than uninclosed?—Certainly they would, and many more would come to perfection than can possibly, whilst the commoners' cattle deprive them of their leaders and their shoots.

1019. Then I ask you again, would it not be more economical to carry out your powers of inclosure

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Mr. Com-
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Lord *Eslington*—continued.

closure under the Act, in respect to those portions of the Forest which sow themselves, rather than take in and artificially plant the bare portions?—I think I would recommend, as in answer to former questions I have recommended, that some of the old natural woods should from time to time be temporarily inclosed in order to get in them a succession of timber.

1020. Yes; but these young trees sow themselves from comparatively young trees, which are yet inclosed, do they not?—I think that a distinction must be made between those parts of the Forest which are growing self-sown fir and those parts of the Forest which would produce young oak, and beech, and birch in immediate proximity, and under the shelter of the natural woods.

1021. But are there not large areas in the forests at this moment entirely full of young firs, where you cannot find a single oak, or a single

Lord *Eslington*—continued.

beech, or a single birch?—That is so; and that is why I make the distinction between those two parts of the Forest.

1022. But you have recommended the inclosure of the old woods in order to encourage the growth of the seedling hard wood. I am asking you whether it would not be very profitable to inclose portions in the neighbourhood of those young plantations where Scotch fir is self-sowing itself?—Certainly.

1023. But you have not done it yet in any case, have you?—Well, in some cases we have, but not with a view of getting our plantation entirely planted with Scotch fir by natural sowing.

1024. Do you not think it would be worth your while to take that matter into consideration and act upon it?—It is a subject which has only just now been brought to my notice, and it certainly is very worthy of consideration.

Friday, 4th June 1875.

MEMBERS PRESENT:

Mr. Alexander Brown.
Sir Charles Dilke.
Lord Eslington.
Mr. John Stewart Hardy.
Colonel Kingscote.

Mr. Rodwell.
Mr. Ryder.
Lord Henry Scott.
Mr. William Henry Smith.
Mr. Cowper-Temple.

WILLIAM HENRY SMITH, Esq., IN THE CHAIR.

MR. LAWRENCE HENRY CUMBERBATCH, re-called; and further Examined.

Lord Eslington.

1025. I WANT to know something about the inclosures when they are thrown open. Is it not a fact that in the case of most of the oak woods, when they are thrown open, the soil produces impenetrable masses of bramble, which neither man nor beast can get through?—I threw out in 1851, in the spring, 4,051 acres which had been inclosed for about 40 years, and of that quantity so thrown out a considerable proportion was free from the bramble and dense thickets mentioned, but there was also a very large portion, perhaps the greater proportion, which was at that time, and continued so for several years, covered with a considerable amount of underwood; since that time many years have passed, and some of those plantations thrown out at that time are very nearly completely clear of underwood, brambles, and bushes.

1026. But in the cases to which I particularly refer, it takes a very considerable number of years to enable the cattle to make head against this tremendous growth of bramble, does it not?—It does take some years; but owing to the necessity of thinning the oak plantations I am obliged to clear that underwood to enable the people to bark the trees; and when the underwood has been so cut, the cattle, which have free access to the plantation and to that underwood, for the future, keep that underwood down and prevent it getting up into the thicket which it was at the time it was thrown out.

1027. Then granted, as you grant, that this growth of bramble is apparent in the greater portion of the woods so thrown out, can you compare the pasturage for many years afforded in those inclosures at all with the pasturage which you deprive the commoners of every time that you inclose a space of waste; we will say of 300 acres?—A fact upon that point is better, I think, to give to the Committee than a simple opinion. Much was said on this subject before the Lords' Committee in 1868. Subsequent to the sitting of that Committee I tried an experiment myself in a plantation which had been inclosed in 1843, called Clumber, after Lord Lincoln, when he was First Commissioner of Woods, Forests, and Land Revenues of the Crown, and Works and Buildings. I tried it with two ponies, which were reduced to the state, I will not say of starvation; but my 0.100.

Lord Eslington—continued.

children had ridden them hunting during the winter holidays, and also the spring holidays, after the deer and fox hounds; in about three months after those two ponies were put into Clumber they were almost as fat as any horses I ever saw.

1028. Fed mainly upon bramble?—I did not say that Clumber plantation had nothing in it but brambles, nor did I say anything with regard to the state of that inclosure at the time I put those ponies in; some part was covered with brambles; a considerable part of that inclosure, a very large part, was not covered with brambles or underwood, so that there was a great abundance of grass; so that not only these two ponies upon which I tried the experiment, but a great number of others might have been fed for the time that I kept those ponies in the inclosure, and afterwards.

1029. But I think Clumber was intersected in many parts with nice grass ridings, which were very productive of grass, were they not?—There was but one ride from end to end, and two rides across the plantation from north to south, which was narrow; the whole plantation was small.

1030. Now, in addition to the brambles, is it not a fact that many of these thrown-out inclosures are intersected, and closely intersected in parts, by very deep and, in some cases, extremely wide drains?—The plantations thrown out by me in 1851 were so closely drained, both in this direction and in that, so as to make a complete network of drains where the boggy ground had been, that I considered that there was too much draining, and I did not clean out the drains in both directions, but only in one, so to continue to free the land from the water which clogged it in the first instance for planting, and rendered it necessary to drain. The numerous small drains which intersected each other in the way I speak of were not deep, but the main drains carrying all the water brought to them by these smaller drains were deep.

1031. Is it not a fact that the brambles grew very strong indeed upon the edges of these drains, overarch the drains, and render them extremely dangerous pitfalls?—No, that is not my experience. No doubt cattle sometimes have been lost in drains; but it would not be where the

Mr. Cumberbatch.

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Lord Eslington—continued.

the brambles are, because the cattle would take care not to prick their legs by going where the brambles were, but would cross the drain at the numerous tracts which they themselves make in order to cross the drains, and thereby fill the drains up in some cases, which compels me to have them cleaned out again.

1032. You have shot a great deal in the forest, have you not?—I used to shoot some years ago, when the licenses were at a pound, more than I have done of recent years; I have not shot so much of recent years since the license fee has been raised to 20*l*.

1033. But has it ever occurred to you in the forest in shooting to have to walk 100 yards or more down the side of one of these drains before you could absolutely get over yourself?—Being myself rather long in the legs, I never found any drain in those plantations that I could not easily go straight over.

1034. Do not you think that drains of that description are extremely dangerous for cattle; have you never had cases of cattle being killed, or lost in these drains?—I have known, and can give an instance of, one that was lost last season; but it was not in a drain of the character of either of those drains of which we have been speaking. That happened to be in Hurst Hill, where the land is so exceedingly flat that the water at the mouth of that drain stands on the same level as the water at the head of that drain half a mile off nearly, and therefore that drain is to all intents and purposes a bog, and a dangerous place for cattle, because it is impossible from the level to get the water out of it; and a bullock was there lost last year, which had rushed off from the others, having lost them, and went skirmishing over the country headlong into this place, and there stuck and was lost; but very few cattle are lost in the ditches. If you were to take an extent of cultivated land equal to that which is coloured upon that plan before you, the probability is, as far as my experience goes of the farms upon which I have lived, that a certain number of animals might be lost even in a cultivated district as large as that, in the drains against the hedges.

1035. Now, we spoke a good deal on the last day about self-sown trees in the neighbourhood of the old woods; does not the privilege which you confer upon the commoners by ticket, of cutting fern where it grows, very materially tend (it must tend, must it not) to destroy the growth of the young trees which are coming up in the neighbourhood of those old woods?—When it was clearly decided in the Register of Decisions on claims to forest rights by the Commissioners acting under the Act of the 17 & 18 Viet. c. 49, that no person at all had a right to cut fern, notwithstanding that many persons, in sending in their claims, had claimed the right to fern. I then, on the part of the Crown, had the unquestionable right of stopping all persons from cutting fern in any part of the forest, whether they paid for it, or whether they did not pay for it. In many of the most beautiful woods of the New Forest I stopped it altogether, prohibiting the cutting of fern for a number of years; but I found that, owing to the number of pigs, horses, and cattle that were turned out, the result which I expected to follow from not cutting the fern, did not follow. I expected to have got a nice crop of young oak up; I found that

Lord Eslington—continued.

whilst the common rights were exercised, the pannage of swine, and the common of pasture of horses and cattle, the young oaks, though they might spring up and grow for a certain time, could not rise beyond a few inches from the ground; I therefore abandoned that course, of trying to raise oaks and other trees in the natural open woods, and allowed the inhabitants of the district to purchase the fern, which to them was of the greatest importance, because fern is the litter through the country, which they have been accustomed to use for a great length of time, and straw, owing to there being no cultivated lands, or very few within the district, is exceedingly dear; 3*l*. and 3*l*. 10*s*. I have to pay for it myself when I buy it; I do not buy it because of the expense, but I use the fern.

1036. But are we to understand that the pigs ate the young oaks that were springing up among the ferns?—The pigs would no doubt disturb and root out the young oak whilst the acorn was attached to it, which is the case for a very considerable length of time after the oak has germinated. After that the cattle and the horses destroy the young oaks.

1037. I need hardly ask you this: after what you have said, the fern is an object very much sought after and extremely valuable in that country, is it not?—It is very much sought after. The whole of it is taken, and the parties who have it are exceedingly jealous of one another, and eager to get the best fern that they can get.

1038. Do you make a charge for cutting and carrying away the fern?—The fern is sold, and the expense of cutting it is charged to the purchaser; so that the fern itself, and the expense of cutting it, is paid by the purchaser, whoever he may be, commoner or not commoner.

1039. And the poor people who benefit so much by this fern for their levant and couchant cattle mostly cut it themselves, do they not?—No, they are not allowed to cut it themselves, because if they did there would be no check upon the quantity taken, and the greater portion would be stolen, and I should lose the revenue to the Crown which is now derived by the sale of that fern.

1040. But in regard to this fern, is it not the case that the forest woodmen set out the areas which are assigned to particular persons, and that in many cases, as I have said, the small cottier residing on the edge of the forest cuts it himself, and thereby saves the labour of cutting it, at least applies his own labour to the purpose?—It may be that in some cases, where a man comes to the woodman who has the control of the fern, he allows the individual who purchases the fern to cut it himself, acting in the capacity of a sort of labourer of the Crown, but in the great majority of cases the fern is not cut by the parties who purchase it.

Lord Henry Scott.

1041. I want to ask you a question or two in regard to the map on the wall. Do you know about the boundaries in the map, what they signify as shown there?—The only boundaries which I know about and have had to deal with are this boundary and that boundary (pointing to the map), the green verged line. Those were laid down by me and my clerk according to the perambulation of the 8th of Edward the First, and the 29th, I think it is, of Edward the First.

Lord Henry Scott—continued.

First. The perambulation of the 8th of Edward the First is stated by the men who made the perambulation to be the perambulation of the forest from the time it was first afforested; but they do not say, and are not able to say, by what king those lands were afforested. There is no perambulation of William the Conqueror that I am aware of. The first perambulation that I have been able to see is that of the 8th of Edward the First, in which the people who made it say that that was the perambulation from the time it was afforested.

1042. What document did you get that from? —I got it from the Appendix to the 5th Report of the Land Revenue Commissioners, dated 1789 or thereabouts.

1043. Does that Report state where it is taken from?—I have not it here. The 5th Report was one of the most important and best drawn reports upon the New Forest that I should think ever was written. It denoted that it was written by men of great ability.

1044. You were going to say something about the inner line on that map before us, were you not?—First, I was going to take the outer line, from North Charford on that extreme north point, which was commonly called in ancient times Cerdic's Ford, because Cerdic, King of Wessex, crossed it after the battle fought at Fording-bridge, or near Fording-bridge, down to the mouth of the River Avon, and from the mouth of the River Avon by the sea to Calshot Castle, and by the sea from Calshot Castle to Ower Bridge. I had no difficulty in laying down the boundary from the perambulation of the 8th of Edward the First, but when I came to take the boundary from Cerdic's Ford or North Charford to Ower Bridge, there was a certain amount of difficulty; but owing to the fact that two of the names between Cerdic's Ford or North Charford and Ower Bridge remain to this day the same as they were in the time of the perambulation of Edward the First, namely, Burnford and Kademannesforde, which I could not but believe was the same as Cadman Ford, although there is a bridge now, instead of a ford: I carried the line corresponding with the present perambulation from a point at the corner of Hale Purkieu to Ower Bridge.

1045. With regard to the inner line, the inner line represents the second perambulation of Edward the First and that of the 29th of Edward the First; I think. I merely want to ask for the general information of the Committee; the inner line represents virtually the second perambulation of Edward the First, does it not?—I am not able, satisfactorily to my own mind, to say that positively, for this reason, that in the perambulation of the 29th of Edward the First there are a great number of names which are not to be found on the map now.

1046. However, it is as near as you could get it, I suppose?—But the perambulation of that time, I believe, to be very nearly the perambulation of Charles the Second, and the perambulation by the Commissioners under an Act of Parliament in 1801; that is the exact boundary, as far as I could follow it, set out by the Commissioners in 1801.

1047. There are common rights attached to properties between the inner and outer boundaries, are there not?—There are forestal rights exercised over some of the property between the two
Q.100.

Lord Henry Scott—continued.

boundaries here (*pointing to the map*), over some of the property between the two boundaries here and there (*pointing to the map*), and there are also forest rights attached to a very large extent of country altogether without the boundary of both perambulations, extending so far as Holdenhurst and Longham, part of Longham being in Dorsetshire and part in Hampshire; that is, it extended to the extreme boundary of the county; and a little higher up, at a place called West Parley; and East Parley, it extends absolutely into Dorsetshire; and common of estovers is taken for a house at West Parley, in Dorsetshire. Then again, without this boundary, and altogether beyond this extreme north boundary (*pointing to the map*) there is a large extent of property belonging to Lord Nelson, Lord Radnor, and some others, extending very nearly to or within a few miles of Salisbury.

1048. Have you any idea of the acreage of the lands that possess common rights in the forest?—I have not added them up, but it is stated in the petition to this House lately presented, "That subsequently to the passing of this Act common rights in and over the New Forest were maintained before a judicial commission after objection and opposition on the part of Her Majesty's Commissioners of Woods and Forests in respect of more than 65,000 acres of land, and 1,500 houses in the possession of the commoners." Now this petition has evidently been drawn up with such great ability and care, that I have no doubt that that quantity of acres and of houses is not over the mark, though it may be very much under.

1049. I daresay you will remember that a Mr. Trimmer once made a very careful survey of the forest?—Yes.

1050. Will you turn to Mr. Trimmer's map, at page 555 of that volume, Report 1849. This map is coloured in three shades of colour; one is called the oak district, the second forest lands, and the third private property; would you look at that map on the wall for one moment, and compare it with Mr. Trimmer's map; you see the oak land as there described in Mr. Trimmer's map?—Yes.

1051. Look at that map, if you please, on the wall for one moment, and tell me if nearly the whole of the oak land, or the greater portion of the oak land, which is marked in Mr. Trimmer's map is not now either covered with inclosures or proposed inclosures?—No, it is decidedly not so.

1052. But perhaps you will just look at the map on the wall?—I am looking at the map.

1053. I will take you to different points; I will take, for instance, in the centre of the forest the whole of the Knightwood Inclosure, and Dames Slough, Vinney Ridge, Pound Hill, Woosen's Hill, and Holiday Hill Inclosure, and ask you if those do not all fall within Mr. Trimmer's oak lands; taking that great mass of inclosure, would you say that is not entirely the oak land described by him?—I have looked at the map, and I see that Knightwood, Dames Slough, or the sites of those inclosures and Vinney Ridge are marked by Mr. Trimmer as districts adapted to the growth of oak timber; but I do not believe that Mr. Trimmer being a geologist knew more about the growth of oak timber than this tumbler before me.

1054. I suppose in that case you mean that you attach no value whatever to Mr. Trimmer's survey?—

Mr. Cumberbatch.

4 June 1875.

Mr. Cumber-
batch.

4 June 1875.

Lord Henry Scott—continued.

survey?—I do attach value to Mr. Trimmer's survey as a geologist, showing the geological strata which he was accustomed to show, and which he did show upon the Ordnance survey; but with regard to the oak lands within the reach of the roots of oak trees, I think Mr. Trimmer knew nothing; and no better proof can be given of that than Knightwood, and Dames Slough, and Vinney Ridge Inclosures, which ground, so far from being fitted for the growth of oak timber, was of so poor a nature that it had been cut, pared for turf, by the commoners for generations by direction of the forest officers, because it was so poor as to be unfitted for pasture, and still less fitted for the growth of oak.

1055. Did you not state at the last meeting of the Committee, that some of the most beautiful wood that was left in the forest was in Knightwood, and you prided yourself upon having left that wood there, did you not?—I said so: but at the same time I said more; my evidence is here, and I find that at No. 927 I said, "for instance, in Knightwood, planted under the Deer Removal Act, no timber whatever has been cut. All the clumps remain, and are full of young beech, birch, and oak; I should not say all of the trees, because a few dead ones have been cut to satisfy the claimants to fuel; but they are very few in number, and merely the dead ones."

1056. Still, oak does grow there?—Pardon me for one moment, I am certain that I mentioned somewhere with regard to Knightwood, that the young trees were not growing upon the other parts of the forest where there were no clumps, because the land was so poor that it would not grow them.

1057. Have you planted oak again in any of those plantations?—I have planted oak in some of the bottoms, which are a little better land than the very poor heaths pared for turf, of which I have spoken, in order that if there was a chance of oak growing, oak might grow in those bottoms after drainage, it being too boggy and swampy to grow them before drainage.

1058. I do not want to detain you and the Committee too long upon these points; but I will take that next great mass of inclosure, Park Hill, Denny Lodge, Stubby, Frame Heath, and Wood Fidley. Is not nearly the whole of that suited to grow oak?—A considerable portion of that is suited to grow oak; but a very considerable portion is not suited to grow oak, more especially in that part last inclosed, called Denny Inclosure.

1059. Taking that as a whole, is not oak planted again throughout nearly the whole of that?—Yes, it is.

1060. Then it would fall within that class of land which Mr. Trimmer calls oak land, would it not?—A great proportion of it would.

1061. And with regard now to Oakley, if you will look at that, there is a large stretch of plantation there, is there not?—Yes (*pointing to it*).

1062. Does not that also fall within Mr. Trimmer's map of oak lands?—It falls within Mr. Trimmer's map of oak lands; but so do the barren hills about Ashley, and so do all those poor bogs about Burley; so does all that miserably poor land on both sides of Hasley inclosure, so do parts of Broomy Plain, between Ocknell and Roe.

1063. I think if you refer to the map you will see that the whole of Broomy Plain, or Pickett

Lord Henry Scott—continued.

Plain, the whole of those poor lands near Bramble Hill and down to Burley are all mentioned in Mr. Trimmer's map as being heath lands of the forest?—I did not mention Bramble Hill; I said Ashley Walk, round both sides of Hasley Inclosure, part of Broomy Plain, the low grounds in that; parts of those poor boggy places about Burley, parts about Holmsley, parts of the land about Hinchlesley, parts of the land between Decoy Pond Inclosure and Culverley Farm, and also part of the land about both the Beaulieu Heaths.

1064. Those are, you think, fairly described in Mr. Trimmer's map as open heath lands of the forest?—They are poor open heath lands.

1065. I will just ask you to look at the map, again, and look at Islands Thorns and Eyeworth; Islands Thorns is an inclosure already made; Eyeworth, a proposed inclosure; if you compare that with Mr. Trimmer's map, I think you will see that they almost exactly cover the ground which, in that otherwise poor district, is the oak land of the forest?—No, it is exactly the reverse. Eyeworth, marked upon that plan with blue colour, a sort of triangle on the borders of the forest, is coloured here as not oak land.

1066. But as to Islands Thorns, it is as I say, is it not?—I was asked the question with regard to both; and I follow on and say, that part of Islands Thorns is coloured upon Mr. Trimmer's map as oak land, as land, in his opinion, suited for the growth of oak.

1067. To follow down, we will come to Auses Wood, a proposed inclosure, but rejected; does not that cover almost exactly the piece of oak land in Mr. Trimmer's map?—It does, to a certain extent, and includes within its boundary Auses Wood, South Bentley, North Bentley, Green North Wood, and a considerable portion of land upon which there is now no timber at all, nor ever has been, within the memory of man.

1068. Just following down, there is Slufter's; with the exception of a little poor land in the upper part of Slufter's, does not that follow almost exactly the line of the best oak land?—It follows very nearly, but not quite the line pointed out as showing, in Mr. Trimmer's opinion, land suited for the growth of oak.

1069. There are all the proposed inclosures now to the north-east of the forest; there is King's Garn Gutter partly inclosed, and partly proposed to be inclosed; there is the Shave Green Inclosure, and there is another large inclosure there; there is Brattley, and Brookia Hill, and Baskets Lawn, down to Ashurst; does not nearly the whole of that fall within Mr. Trimmer's map of oak lands?—Brattley was inclosed previous to Mr. Trimmer's report; Brattley was inclosed in 1829, and Mr. Trimmer's report was in 1849.

1070. I merely ask you whether that great line of inclosure coming from Canterton right down to Ashurst, either inclosures or proposed inclosures, does not come within the limits of Mr. Trimmer's map showing the oak land of the forest?—The site of King's Garn Inclosure and Shave Green, and of Brockia Hill, which I think were the inclosures mentioned, do come wholly within the sites laid down by Mr. Trimmer as suitable for the growth of oak. Brattley is within the district, but it was inclosed 20 years before Mr. Trimmer made his report.

1071. I

Lord Henry Scott—continued.

1071. I may take it then, as a whole, either the proposed inclosures or the inclosures that have been made, fairly correspond on that map on the wall with Mr. Trimmer's map of the oak lands?—In some cases they do; in many cases they do not.

1072. You may dispute Mr. Trimmer's authority, but just taking the two maps together, I wish to ask you this one question; if you put the two maps side by side, do they not almost entirely correspond?—No, they do not; they differ in many cases; but still there are many cases in which they correspond.

1073. Now I should like to ask you another question; I suppose you know that Mr. Trimmer was a very long time in the forest, and made a very careful survey of it?—I have no knowledge of that; it was before I was appointed, and I do not know whether he was there, or whether he was not there.

1074. Did you ever read his report?—Yes, I have read it.

1075. How long ago?—Upon my word I cannot say that. I daresay I have read it several times, but I cannot say how long it is since I last read it.

1076. With regard to the question of the cutting of woods, Mr. Howard has stated to us that you could give us more information than he could do in regard to that matter; in regard to the inclosures made in 1858 and 1859 to 1860, that is Shave Green and Brochis Hill, was there any beautiful timber in that wood?—There was some timber on both of those inclosures; but it was not of a fine or beautiful character at all to be compared to the ornamental parts of the timber which are now standing.

1077. Were there not some beautiful old yew trees in Sloden?—There were some beautiful yew trees in Sloden, but when the poor and back growing timber is taken away from those trees, it is a matter of experience to me that it is quite useless to leave the trees exposed to the blast of the south-west winds which we experience in the New Forest. Where there were some yew trees in the inclosure which stood together and sheltered one another, those are left, and are standing together now; only a part of old Sloden was taken and inclosed; the wildest and most beautiful parts in the New Forest, which Mr. William Rose in his poem calls "Sloden's Haunted Thorns," are standing at the present day; 700 yew trees are standing at the present time.

1078. Would it not have been better to have left the trees which sheltered the yew trees, rather than to cut them down?—The trees which sheltered the yew trees had been planted there since the year 1776, and were of that character that there was not any hope of their becoming eventually fine timber, except some few which appear to have stood upon the inclosure previous to the planting of it in 1776, owing to the much greater size which they had attained when the inclosure came to be cut down.

1079. I know Perry Wood very well; there are very few clumps of trees, I think, left standing in Perry Wood, are there not?—In Perry Wood inclosure, one of the most beautiful and conspicuous clumps in the whole forest is left standing; it contains a tree of enormous dimensions; there are but two in the whole forest that are equal to that tree; one stands near the telegraph toll-house, in a wood just to the north of O.100.

Lord Henry Scott—continued.

Islands Thorns, inclosed; the other tree that comes at all near to it stands in Burley old inclosure, planted in the time of King William, under the Act of William the Third.

1080. I will ask you now with regard to Highland Water; with the exception of a small portion the whole of that was cleared, was it not?—No; Highland Water was almost practically without timber upon it; the only timber that stood in Highland Water was at Puckpits, planted in the time of William the Third, called one of King William's inclosure, a part of Wickwood, a part of Bolderwood Hill, and some few trees scattered up the water, called Highland Water, from which the inclosure derives its name. Puckpits planted by King William was only partially covered with timber on account of the poverty of the soil; and of the part which was covered with timber, I only cut such part as was in the valley and on the east side, and I left the whole of the timber standing on the east and north and centre part of the old inclosure called Puckpits, because it was so conspicuous and beautiful an object from Bolderwood Hill, which is so much frequented by the public for pic-nics; and on account of the beauty, not only of the distant scenery, but of the woods in the neighbourhood. The part of Wickwood which I mentioned as being within the inclosure is wholly standing at the present day; no timber whatever has been cut in it, except that this year a few very rotten trees, absolutely dead and of no size and picturesque beauty to make them worthy of remaining, were cut down, and have been assigned to the claimants for fuel wood; the other wood which is mentioned, namely, that upon Bolderwood Hill, stands perfect at the present time, and is a beautiful piece of wood, also very conspicuous from Bolderwood.

1081. Without going too much into detail, I want to ask you one question more in respect to King's Garn Gutter, and the place called Burnt Furzen. Has not that to a great extent been cleared. I do not want you to go much into detail, but to give a general answer?—It is impossible for me to answer the question accurately and as it ought to be answered, unless I do go somewhat into detail, because the circumstances of King's Garn inclosure were very peculiar. King's Garn inclosure as it was eventually made, as it is made at the present time, is not much over the quantity which a clause in the Deer Removal Act obliges the inclosures to be, namely, 300 acres. That inclosure was very much reduced. The part upon which the timber is cut was the part which was planted under the Act of William the Third for the growth of Navy timber, and the timber went to the Navy. The part called Burnt Furzen is, I believe, now without the existing inclosure, but it was within the inclosure as it was proposed, and it was cut because it was within the proposed inclosure, and there was no notion that there would be such an opposition as there turned out to be to the inclosure of that land, because there is no other land inclosed there within a very considerable distance; and, therefore, it was thought that Bramshaw ought fairly to bear some little proportion of the inclosed lands which were to be taken under the Deer Removal Act.

1082. Then in fact it was actually cleared before it was positively sanctioned?—It was; it was cleared before it was finally sanctioned; and therefore

Mr. Cumberbatch.

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batch.

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Lord Henry Scott—continued.

therefore the timber having been removed the commoners are now in possession, and take by the mouths of their cattle the pasturage upon that land which has been alluded to, which was cleared of timber, and which may be presumed to be much better than it was before the clearing of the timber as regards the pasture for those commoners.

1083. Mr. Howard has stated to us that he thinks that the value of the ornamental timber of the old woods is greater standing than cut. I suppose you are of the same opinion, are you not?—I am of opinion that the existing woods in the forest, comprising by estimation 5,000 acres of natural wood, and a certain quantity of wood planted under the Act of William, are of infinitely greater value to stand, except in some cases where it would be necessary to cut the timber for its proper management on account of its defective state, than they would be to cut, in whatever way Parliament may think proper to deal with this property.

1084. Mr. Howard also stated to us that in respect to making inclosures, you submit in the first instance a proposal for inclosure to the office, do you not?—Yes, I do, when Mr. Howard directs me to do so.

1085. It originated with you, I mean?—When Mr. Howard directs me to point out lands which I think are suitable for inclosure, and to be submitted to the Commission, of which I am a member, I do so report to him which lands I think are suitable for inclosure under the Commission.

1086. The inclosures which were proposed in the year, I think 1870; that is Mark Ash, and those other inclosures, which were not all accepted, included a very large portion of the beautiful woods of the forest, did they not?—The inclosures proposed on the 9th of August 1870 by the committee of the Commissioners, which it had been arranged should choose the inclosures for the future, were selected by that committee, and this is the letter sending them to Mr. Howard: "We have the honour to inform you that in consequence of a letter bearing date 9th June 1870, No. 873, we herewith transmit to you the plans of projected inclosures which we beg to recommend to the notice of the Commission. We have the honour to be, Sir, your most obedient servants, *H. C. Paulet, W. Clements, D. Eesdaile, Henry Compton, L. H. Cumberbatch.*—The Honourable James K. Howard.

NEW FOREST.

SCHEDULE of projected Inclosures, August 1870.

No. on Map.	Inclosures.	Walks.	Quantity.
1	Ashley -	Ashley - - -	700 0 0
2	Eyeworth -	Eyeworth and Bram- ble Hill.	395 0 0
3	Markway -	Rinefield and Wilverley	535 0 0
4	Long Slade -	- ditto - ditto -	405 0 0
5	Thorney Hill	Holmaley - - -	400 0 0
6	Pinnicks -	Broomy - - -	575 0 0
7	Acres Down -	Bolderwood - -	416 3 9
8	Anses Wood -	Eyeworth and Broomy	440 0 0
9	Brattley -	Burley, Bolderwood, and Broomy.	730 0 0
Acres - -			4,586 3 9

Chairman.

1087. I do not think you have answered the question of the noble Lord; the question was, did those inclosures recommended by the Committee of the Commissioners include a great proportion of old woods or not; we only want yes or no to that question?—No; the only case in which there were any old woods of any size were Brattley and Anses Wood. Anses Wood Enclosure was afterwards abandoned altogether, and Brattley had the timber land taken out of it by direction of the Commission. On Acres Down in Bolderwood, Pinnicks, Thorney Hill, Ashley, Eyeworth, Markway, and Long Slade, there were not old woods of any size; so that on only two of the inclosures proposed was there any timber of any account, one of which was Anses Wood, and the other Brattley. Anses Wood was, as I say, afterwards altogether abandoned, and Brattley had, by direction of the Commission, the woodlands taken out of it, so that there was no woodland left.

1088. Was not Mark Ash in that proposed inclosure?—No, it was not.

1089. It was proposed later, was it?—No, it was proposed earlier.

1090. At what date?—It was proposed at a meeting held at Lyndhurst on the first of March 1866; it was numbered 10 on the plan; Knight Wood in Rinefield, Burley, and Bolder Wood walks, estimated to contain 750 acres; "This proposal" (a proposal referring to about 7,000 acres) "was agreed to and adopted by the Commissioners, subject to a driftway one chain in width being left through the tract of land, called Lucas Castle, from Minstead Manor, taking the line of the existing trackway. It was further proposed by Mr. Howard that, in addition to the above-named 7,000 acres, and in order to make up the 10,000 acres mentioned in the Act 14 & 15 Vict. c. 76, a further tract of land, called Burley Rocks, containing about 650 acres, should also be admeasured and inclosed. This was also agreed to, and authorised by the Commissioners. The extent already inclosed under the provisions of the Deer Removal Act is 2,224 acres, 1 rood, 8 poles, and the quantity of land now directed to be admeasured and inclosed is intended, with the above-mentioned 2,224 acres, 1 rood, 8 poles, to make up the total quantity of 10,000 acres authorised to be inclosed under the New Forest Deer Removal Act, 1851. Ordered, That the several tracts of land of which the inclosure was proposed, and approved of at this meeting, be admeasured by a sworn surveyor, and be set out and inclosed in pursuance of the provisions and directions contained in the said Act, 14 & 15 Vict. c. 76, and commission, and that a sworn surveyor be directed accordingly. *James K. Howard, Chairman.*"

Lord Henry Scott.

1091. You are aware, I suppose, that the Committee of the House of Lords in 1866, proposed that in the event of an allotment to the Crown in fee, all the existing inclosures should be taken for the Crown; that in the interest of the Crown, as well as the commoners, all existing inclosures should be so taken?—The report of that Committee says:—"This course consists in the appointment of a commission for the purpose of allotting to the Crown certain portions of the forest in fee, freed from all common rights, and leaving the residue to the commoners to deal with

Lord Henry Scott—continued.

with in such manner as they may think best. The subject is one of a difficult and delicate nature, and full opportunity should be given to all parties interested to make representations, which should be fairly and impartially considered. It is desirable, in the interest of the commoners, that the Crown should take all existing inclosures as a portion of the allotment for the rights of the Crown, and that the allotments for the Crown should be made in such portions and situations as may least interfere with the convenience of the resident commoners."

1092. The point I wanted to ask was simply this; if all the proposed inclosures were allotted in fee to the Crown, would not that really have included the greater portion of the old woods in the forest?—But the Lords' recommendation was, that "all existing inclosures," not those proposed, should be taken "as a portion of the allotment for the rights of the Crown."

1093. But Mark Ash was proposed in 1866, was it not?—Previous to the Lords' Committee in 1868, Mark Ash was cut out by the Commission, of which I am one.

1094. But still it stood as one proposed, did it not?—Not at the time of the Lords making that proposal. This report of theirs is in 1868, and therefore before that time Mark Ash had been cut out, and rejected by the Commission of which I am a member.

1095. It had not been rejected in 1866?—In 1868 it had, when the Lords made their report. Here is the rejection of it (the date is the 11th of October 1866). "Proposed by Mr. Howard that the plan be approved;" that is, "No. 10, Knight Wood, 895 acres 2 roods;" that is after it had been surveyed by a sworn surveyor; "size objected to, and proposal made that the boundary line should run from the corner of Anderwood Plantation to south west corner of Woosen's Hill inclosure. Amended proposal, agreed to."

1096. The point I want to put to you is this, that if the Crown were possessed in fee of the whole of those inclosures, the right of the public would entirely be barred in accordance with the terms of the Act?—If an Act was passed in accordance with the recommendation of the Lords' Committee of 1868, and the existing inclosures were allotted to the Crown by the Commissioners appointed by the Bill, which the Lords proposed should be brought in, and passed into an Act, then they would belong to the Crown in fee, subject, of course, to no common rights, because the common rights would have been done away with by the Act. Their Lordships propose that the common rights should be done away with.

1097. I have a question or two to ask with reference to the question of the gates. You said the other day that the commoners had no grievance, I think, with regard to the driftways in the forest. I allude to your answer to Question 919; you say, in answer to the Chairman's question, virtually that there is no grievance in regard to the driftways. You probably know the line of road (I speak of matters in my own experience), which runs from Pennerley gate towards Lyndhurst; there is a trackway, I think you know, that runs by the edge of the Bishop of Winchester's purlieu; is not that cut off by Denny Lodge inclosure, and the corner of Park Hill inclosure?—No, it is not; it continues straight to Lyndhurst by Denny Lodge; there is a driftway visible upon that plan.

0.100.

Lord Henry Scott—continued.

1098. The corner of the inclosure comes right across it, does it not?—There is Pennerley gate (*pointing to the map*); the track comes along here through the Bishop of Winchester's purlieu, and then it runs at the back here, and enters this driftway and goes away to Lyndhurst; so that is one continuous track to Lyndhurst by Pennerley gate (*describing it on the map*).

1099. Just put your pointer at the corner of the house, close to Denny Lodge inclosure; that little corner goes right over the ancient road-way, or highway, or trackway, whatever you like to call it, does it not?—That little corner as well as all the part coloured there belongs to the Bishop of Winchester, or the Ecclesiastical Commissioners; there is a trackway indicated here which runs straight outside here (*pointing it out*), and there is no trackway indicated on this map running into this part (*pointing to the map*).

1100. Where you are pointing is an impassable part?—No, I beg your pardon; it is perfectly sound ground.

Mr. John Stewart Hardy.

1101. There is a great ditch down there, is there not?—That is in the Bishop of Winchester's purlieu, which is wholly out of the control of the Crown.

1102. You can ride across, but no carriage can get across?—No; it is in the Bishop of Winchester's purlieu, which does not belong to the Crown, and the owners of that purlieu have never thought proper to make any trackway; it is a roadway for horses and for cattle, but the bridge is too narrow to admit of a carriage going over, except it is a narrow one.

Lord Henry Scott.

1103. I will take just one other part of the forest; I will take Oakley inclosure. Does not Oakley inclosure intersect an old way that used to run from Burley to Bolderwood?—There was no road there, but there was a trackway running from Burley to Bolderwood, an old forest track, such as there are in every direction, making a complete network, as appears on this plan. There are roadways in every direction over all parts of the open parts of the forest; they run and interlace one another in every direction.

1104. I will only ask you this one more question on the question of roadways; taking it from Brockenhurst, going to Fletcher's Thorn and Vinney Ridge, is there not a trackway?—There is a trackway leading to Fletcher's Thorn, and going out of it on the other side into the other inclosure called Rinefield Sandy's.

1105. If the gates are locked, of course access through them is almost impossible?—Yes, it is; but they are only locked once a year; just to keep up the right of the Crown, under the Act of William 3, and the 48th of Geo. 3, which says that after these areas are inclosed there shall be no right of any sort or kind through these inclosures.

1106. I will take Wood Fidley inclosure, and all that part; is it not a fact that the gates of these inclosures are locked the greater part of the summer?—They are locked after the hunting season is over on account of the cattle of the commoners which they turn into this inclosure to feed, because the pasturage is so very much better upon the lands planted with timber, than it is upon the open parts of the forest, and their cattle

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Mr. Cross-
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4 June 1875.

Mr. Cumberbatch.

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Lord Henry Scott—continued.

cattle get fat on it. The moment the cub hunting season begins, in August or September, according to weather, those gates are open, and remain open for the rest of the season; and it is only some of them that are kept locked, even in the summer; and every person who has asked has, from time immemorial, had keys supplied to him; so that they can go freely over every part of the forest, those which are inclosed, as well as those which are uninclosed.

1107. I am afraid then it has been my misfortune to find them nearly always locked?—If your Lordship has been out hunting I do not think you would find them locked. On a recent occasion, when the Duke of Beaufort was hunting, men were sent not only to keep open the hunting gates, but also the large gates used for carts, and to keep them propped open all day in case the hounds should go through.

1108. I speak of the summer season?—And so do I. Every person may, if they wish, have keys of those inclosures, so that they can go over them, wherever they please, even when locked.

1109. Do you apprehend that there is any more danger from cattle now in summer time than in the winter?—What sort of danger do you refer to?

1110. I mean danger of the cattle getting in?—Yes, I think there is; or at any rate the damage to the young oaks is greater when the shoots are tender; a great amount of damage may be done by one animal, and as so few people frequent these large inclosures of which we are speaking, they are generally kept locked; but with regard to a great portion of the inclosures in the forest, where the people are not so troublesome as they are in the neighbourhood of Beaulieu and Brockenhurst, it is not requisite that they should be kept locked even during the summer; and they are not.

1111. Do you find that the people in Beaulieu and Brockenhurst are more troublesome than in any other part of the forest?—I find that the inclosures between Beaulieu and Brockenhurst and Lyndhurst are much more turned into by commoners than any other inclosures in the New Forest. In some of the inclosures up at Burley, and up at the North by Brockis Hill and Shave Green, we have no trouble at all; but in this neighbourhood, of which we are speaking, they are exceedingly troublesome; the pasturage is very good within the inclosures there, and the people are exceedingly troublesome, and it is a constant occupation for the woodmen and keepers; indeed, sometimes I am obliged to send out a whole body of workmen to get these animals, the commoners' cattle, out of those inclosures.

1112. Have you ever pounded any of those animals?—Yes, I have pounded a number; but the difficulty about pounding them is this, that very often it is not the man whose cattle are in who is the man who has turned them in, and let his own and all the rest in; and therefore it punishes the man who really is not in fault in the matter; and therefore I have not pounded them so frequently as I should do if I could fix upon the man who actually opened the gate and turned them in.

1113. Are there not ponies running all the year round now in Wood Fildley?—No, there are not. There are frequent drifts, getting labourers together, to help the keepers and the woodmen to get those cattle out, and as fast

Lord Henry Scott—continued.

as they are turned out they contrive to get them in. Sometimes I have known the fences broken down to do it.

1114. We were told that if there was a severance between the interests of the Crown and the commoners the expense of the forest would be diminished; have you any idea of what the forest dues have been within the last 23 years?—The forest dues payable for the agistment cattle of the forest, I presume you mean. The forest dues are the sums payable by the commoners to the Crown in respect of their rights under the decision of the Commissioners in 1854, for their common of pasture, common of turbary, common of estovers, and other rights over the forest. The gravel belongs wholly to the Crown.

1115. I find, by referring to the documents, the annual reports of the expenditure and income from year to year, that under the head of forest dues it comes to a little over 3,000 £. for the 23 years, which would give an average of nearly 150 £. a year; that is, exclusive of anything to do with sand?—That is simply money paid by the commoners for the rights of agistment of cattle at certain seasons over the forest.

1116. So that the duties of the men employed in collecting dues cannot be very great?—They are very great, because they have to go miles out of the forest, for instance, into Dorsetshire (*pointing to the map*) again, right up nearly to Salisbury, and so on, in order to collect these dues; and therefore it is rather an expensive matter to collect them, and although it is done by our own servants, without any expense in the way of per-centage, we are obliged to pay the money that they are out of pocket in putting up their horses, to collect these small sums of a penny and two-pence in forest dues to the amount of about 150 £.

Mr. Cowper-Temple.

1117. When you told us just now that the result of stopping the cutting of fern was such a disappointment to you that you have abandoned the hope of getting trees to grow, did you mean that a great number of trees were destroyed by the pigs and cattle, or did you mean that all the trees were so destroyed?—I meant all the trees; there was hardly anything, nothing to make it worth while, to prevent the inhabitants of the district having the benefit of purchasing this fern.

1118. But as to those saplings that happen to spring up under the protection of hollies and thorns, they do escape the devastation of cattle?—If there is a holly bush, a thorn bush sufficiently thick to protect them, as is the case in many parts of Castle Malwood Walk, that is so, and, as I was mentioning the other day, the oak gets up through the holly and smothers the holly.

1119. If the protection of fences is necessary, how does it happen that all the trees on the waste of the forest have grown up without the protection of fences?—As it happened 200 years ago or more, it is impossible for me to give an opinion upon that subject with accuracy; but my own belief is that not half the number of cattle were turned out in those days; and the fence month and the winter heyning were absolutely strictly enforced, and therefore the young saplings had a better opportunity of getting up than they have now.

1120. But

Mr. Cowper-Temple—continued.

1120. But you do not mean to say that none have grown since 200 years?—On the contrary, there are parts of the forest in which there are now beautiful young trees, and I marked for thinning a number of those young trees this year; but that, of course, is only in particular situations where the bushes have been exceedingly thick, like Castle Malwood Walk.

1121. Do not you think that this accidental thinning out of trees by cattle is one of the reasons why the natural woods are so much more picturesque than the woods that are regularly thinned by hand?—The natural woods are more picturesque and irregular and beautiful, because they are planted by the hand of nature and not by the hand of man.

1122. And secondly, because when they are thinned out by the action of the cattle, they no longer stand at regular intervals, but in various capricious ways, which give much of their charm to the woods; is not that so?—I do not think it is necessary to have cattle in the woods in order to get the trees thinned out in an irregular manner. Nature herself will plant them irregularly without the aid of any cattle.

1123. If you wanted only to take care that the most picturesque woods, like Mark Ash, should have successors to follow the old trees that die, could you not obtain that object by planting trees under the natural protection of hollies and thorn bushes, without the necessity of putting any fence to keep off cattle?—I am of opinion that if trees were so planted, any one who had a critical eye to see what was natural and what was not, would know in an instant that the hand of man was there, with however much skill he had planted them as a forester. I find that to be the case in Hollands Wood, where I have planted some trees which have thriven admirably; but still I am not satisfied with my own work; it is not like, and never will be like the trees planted by the hand of nature.

1124. But if the object be to maintain picturesque woods, you cannot tell us that the protection of a fence is necessary, since the object might be attained in other ways than by keeping out cattle?—I do not think that there is any way except by keeping out cattle; in some parts they are planted admirably, but in Mark Ash it is not so; Mark Ash is a wood of enormous beeches, spreading to a great size, and under those trees there is nothing growing of any size; it is only where a tree has fallen, and some bushes or brambles happen to get up, that a single young tree is to be seen in Mark Ash of any size.

1125. Then your opinion is that a protection is found necessary in some woods, but not in others?—Yes; because I could point out numerous woods in the forest in which there is an ample succession of wood now growing; but it is not so in every wood, and is not so in Mark Ash.

Mr. John Stewart Hardy.

1126. In the cases to which you allude the trees grow up spontaneously?—They grow up entirely spontaneously, in spite of pigs, deer, cattle, and everything else, under the protection of the thick hollies and thorn bushes.

1127. To follow up Mr. Cowper-Temple's questions, would it not be desirable, in order to renew these woods, that in any future arrangements you should have the power to make very much smaller inclosures for that purpose than 0.100.

Mr. John Stewart Hardy—continued.

you are obliged to make under the present system?—I think that is so certainly, unless the old wood happened to be adjoining to a place about to be inclosed, as in the case of Knight Wood and Mark Ash.

1128. I mean it would be desirable to make inclosures like 20 or 50 acres where you wished to renew an old wood?—Yes; where you wish to renew an old wood alone it would be desirable to have that power; the clause about the 300 acres was put in entirely at the suggestion of the commoners, not of the Crown.

1129. This would be a different system, applying only to old woods?—Yes.

1130. Not to take in lawns on that system, but merely to inclose the old woods?—Yes, that plan was adopted in the time of Charles the Second, and certain woods were then what they call incoppiced, without any planting, and they did grow up spontaneously there, and are some of the woods which we now see so beautiful.

1131. Looking at that map which is before us, has not the policy of the Woods and Forests been to put their inclosures together in such a way as to make very large inclosures of solid woods?—It has occurred in those two places here (*pointing to the map*), but there is this advantage, that they are the farthest away from the great body of commoners; the object was that the inclosures should be made as far away from the residences of the commoners, and the lands to which the rights of common were appurtenant, as possible, and that was the reason why the Commissioners thought proper to inclose them for inclosures.

1132. But it must be a very inconvenient system to the commoners who happen to live in the neighbourhood?—There are but few commoners living in the neighbourhood; a great portion of the lands in this parish (*pointing to the map*) have not cattle levant and couchant upon them, which are turned out in the forest; they belong mostly to gentlemen, who do not as a rule turn out their cattle in the forest.

1133. But that large inclosure would principally be in the neighbourhood of Beaulieu and Brockenhurst?—This end of it (*pointing to the map*) is in the neighbourhood of Beaulieu, but this part of it, which is so near here (*pointing to the map*), is a great wood and has no inhabitants.

1134. But that has been proposed to be inclosed?—I say all along here (*pointing to the map*) there are very few inhabitants. The principal farmers live in the neighbourhood of Beaulieu, or in this part of the manor (*describing it on the map*).

1135. But the inclosed part there which is pink is not valuable as pasturage at all, is it; Beaulieu Heath and round there, I mean?—No; those parts, except the valleys, are very poor indeed; they are pared for turf by the commoners, and have been so pared for generations; and consequently, so long as the common rights are allowed to exist, there never can be any good pasture, and the nature of the land is such, that until cultivated, nothing but heath could grow there, even if the paring did not take place.

1136. Then nothing being left there, except, as you say, that one wood and a very undesirable pasture, does not that account for the fact of Beaulieu and Brockenhurst people being more troublesome than in the other part of the forest?—Possibly it may; but here, immediately adjoining this inclosure, is Balmer Lawn, the finest lawn in

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Mr. John Stewart Hardy—continued.

in the forest, which has been drained both with open cuttings and also with under drains out of the railway drainage fund.

Mr. Rodwell.

1137. Do you advise the commissioners at all in their selecting the portions that they inclose?—I do not advise my brother commissioners on the commission under the letters patent.

1138. Under the Act of 1851?—No; under the Act of 1851 I do not advise my brother commissioners; but I do send to my superior officer, Mr. Howard, when he desires me, the plans of what I think it would be desirable to inclose under that commission.

1139. I will not pursue the question, but I mean simply this: in the inclosures which are made, have you a voice in the matter, directly or indirectly?—I am a commissioner appointed by letters patent, under the Great Seal, and commission for these inclosures.

1140. And do you take an active part in it?—I do; I attend every meeting of the commission.

1141. I presume, from your experience and your position, that you are the principal party in advising the inclosures?—I was the principal party till the commissioners themselves agreed that inclosures should be set out by a committee.

1142. When was that; was it in 1870?—No, before 1870. Under the date of the 25th of June 1867, I find this minute: "It was also arranged that three or more commissioners, one of whom to be a justice of the peace, not an officer of the forest, should in future personally inspect the tracts of land proposed to be set out."

1143. Now, did they personally inspect the land that you suggested should be inclosed?—Yes.

1144. I do not want to go into that letter which you wrote in 1853, about taking the best land for inclosure, with the ulterior view of making the claims of the commoners less valuable; but do you recollect that letter?—Yes.

1145. I will not ask you about it further than this; have you, in the advice which you have given from time to time, acted up to the suggestions contained in that letter?—I have acted up to the suggestions made in that letter with regard to the inclosure of the 10,000 acres, so far as I could.

1146. You have been the moving party in these inclosures up to 1867, when the commissioners inspected them?—Yes, under the instructions of Mr. Howard.

1147. Were you influenced at all, in selecting these inclosures, by the consideration that the land which you were about to inclose was good or bad?—I selected, specially under the old Acts, the best lands that we could find suitable for the growth of oak timber; but under the Act of 1851, when we were enabled to grow other trees, I selected some very poor land of the forest, as, for instance, Knight Wood.

1148. I do not think you quite apprehend my question. In selecting these spots since 1851, whether it was for oak or other timber, have you been guided at all by the quality of the land; it is a simple question, I think?—Yes; for instance, Knight Wood contains some of the worst land in the forest; and therefore it did not in that case take the best land of the forest, because it contains some of the worst.

1149. I will put it in another form, if you please. Having written that letter of 1853,

Mr. Rodwell—continued.

which suggested the wisdom of inclosing the best land when you had a chance, did you carry out that view in your own advice to the commissioners?—To the Commissioners of Woods I did.

1150. Since 1851?—Since 1855.

1151. Why did you select the best land?—Because it was most for the interests of the Crown and of Her Majesty that the best land should be selected, in accordance with the commission which we had received, and the words of the Deer Removal Act.

Chairman.

1152. In other words, I suppose you held yourself, as trustee for the Crown, bound to do the best you possibly could for your employer?—Certainly.

1153. And, in doing that, you selected the best land, or recommended that the best land should be appropriated for the growth of timber?—No; I have just said that under the Act, the Deer Removal Act, some of the worst land in the forest was selected by me for inclosure; for instance, Knightwood was selected.

1154. Still you felt it to be your duty to endeavour to obtain for the Crown the inclosure of as much good land as you could obtain?—Certainly, specially under the old Act, where oak was directed to be grown.

1155. How was it; can you tell the Committee, that more of the railway drainage fund was not expended in draining or otherwise improving the New Forest, in accordance with the Act of Parliament relating to that?—When a considerable part of that money had been laid out, and only about 3,000*l.* remained, the verderers, and particularly the late Mr. John Mills, of Bisterne, foreseeing that after 10 miles of open drains had been made, and 500 acres of land had been drained, and a great many bridges and open cuttings made, the repairs would come to a considerable amount, the verderers at their court recommended the Commissioners of Woods that they should not spend any more capital, but that only the income of the fund after investment should be expended from time to time; and they gave at the same court, sanction, so far as they were concerned, to the expenditure of about 30*l.* in some open cutting. Since that time a considerable amount has been spent in the repairs of these open cuttings, particularly after the recommendations of the Lords' Committee; and in that year some new works were also undertaken, namely, the cutting from Burley to New Park, a distance of nearly six miles, and from Holmsley Station to Mead End, a distance of about two miles; that and the cleaning out of the open cuttings came to a very considerable sum of money; but since that time only some small sums have been laid out in repairing drains.

1156. The honourable and learned Member has referred to your letter of 1853, on the subject of the New Forest; 22 years have now elapsed since then; do you think that what you then recommended, as to so exercising the powers of the Deer Removal Act as to diminish the rights of the commoners, was strictly in accordance with the spirit of that Act and of the commission afterwards issued to you and others?—I think that the word "diminish" ought not to have been used there, because it did not quite express what I meant. The commoners, at that moment,

Chairman—continued.

moment, were in the possession of pasturage to the amount of many thousand acres more than, by the Deer Removal Act they were entitled to; and seeing that the Commissioner, in his 31st Report to Parliament, proposed that the rights of the commoners should be commuted and paid for in money, I gave that advice; and I mentioned that as one of the reasons why the 10,000 acres should as soon as possible be inclosed.

1157. Are you acquainted with the extent and the character of the population of the district of the New Forest, and of the wants of the labouring classes?—Yes; I am well acquainted with that from having, I suppose, paid more money to the labourers of that district, than any other man in the forest; and I know that when the Resolution of the House of Commons was directed to be carried out in 1871, there was a great loss of employment to the people of the district, and many men came to me to whom I could not give employment. There is a very large population living within the district of the forest, the population is about 20,000 inhabitants, without saying anything of the population of Southampton, Salisbury, Ringwood, Lymington, and those parishes that are more distant from the present boundary of the Forest. If the petition of the commoners is agreed to, and no more planting is done, it will be a very serious thing for the inhabitants living on the borders, and within the forest, as to the employment of the people.

1158. Then as I understand, you are of opinion that it is absolutely necessary in the interests of the district that the present suspensory condition of affairs should be put an end to?—Yes; in one way or another, according as Parliament may decide; because if we do not plant any more, or the forest is not inclosed, there will be a great want of employment in the district, and it will be necessary that a great number of people should emigrate or migrate from the district; in fact, a considerable number have already done so from the parish of Brockenhurst; and when that order came, directing the Resolution of the House of Commons to be carried out, I told them it could not be expected that in future if there was no planting to be done, and if therefore several thousands a year were not spent in the winter time, they could be employed in the way they had been in the past.

1159. Are there many small commoners, either as owners or occupiers, who possess the right of commons of pasture?—There are a great number of small people who hold either as occupiers or as owners, living on the borders of the forest, to whom the continuance of the right of common would be very important; but at the same time many of them have expressed to me the opinion that if the outlying portions of the forest were inclosed, and they were allowed to have some compensation, either as owners of the small pieces which they would get as commoners, or as occupiers under other persons to whom allotments might be given, the employment of the district would be very much increased thereby, and they would be benefited.

1160. You are of opinion that it would be practicable to compensate permanently, not temporarily, by the gift of small sums of money or small pieces of land, that large class of small commoners who possess the right of pasture in the forest?—I think it would be perfectly prac-

0.100.

Chairman—continued.

ticable to give them an equivalent for their rights in land, as has been done in all the other forests of the Crown, almost the whole of which have now been inclosed.

1161. Do you contemplate the removal of those persons from their present holdings or occupations?—I think that they will be obliged to leave the district if employment is not given to them, either by planting in the winter, or by allotting lands for them to cultivate, so as to give them employment in one way or the other.

1162. The existing plantations and woods would, I suppose, supply occupation to a large number of persons?—They will supply occupation for a considerable number of persons; but that keeps on getting less and less if no new plantations are made; and consequently the longer we go on without planting the worse it will be for the labourers. A glance at the accounts of the Commissioners of Woods for the New Forest previous to the passing of the Resolution of 1871, would show that a very large sum of money was annually spent during the winter when employment is most wanted by the labourers in planting, because almost the whole of the cost of planting goes in labour, at least the greater portion goes in labour, which gives employment to the poor of the district at a time of the year when it is very valuable.

1163. Then if your hands are untied, you look forward to a very considerable increase in the annual expenditure of the department in the New Forest, as compared with that of the last five years?—Certainly, because when we begin planting, the expenditure of capital will be going on, which it has not been doing since 1871; and that money would go in labour if the Deer Removal Act were carried out.

1164. Do you think that the mice which destroyed the earlier plantation in the New Forest, and those sown at different times by yourself, would destroy the acorns in the natural woods if inclosed temporarily?—I do not think so, because it is a matter of experience with me, that the mice in those natural woods which have been inclosed by me, are the very animals which transport the acorns from under the trees where, owing to the drip and shade, nothing can grow on to the heaths outside the reach of those trees; and it is a most interesting thing to see the young oaks springing up from the little store of acorns which these mice have collected on the heath, and gorse, and fern outside the reach and drip of the trees.

1165. Mr. Howard gave some evidence as to the exercise of forestal rights over private land. Are you aware whether there are any forestal rights over the land belonging to private owners within the forest?—Yes, there are forestal rights which are exercised over a considerable extent, about 2,000 acres in all. Beginning at the north, there (*pointing to the map*) we shoot annually over the lands of Sir Edward Hulse, part of the parish of Breamore, and the Crown has also the right of fishing there for about two miles, some of it being where the forest is on one side, and Sir Edward Hulse's land on the other, and some where Sir Edward Hulse's land is on both sides.

1166. Have you stated all the forestal rights which exist, speaking of fishing and shooting?—No; there are other forestal rights existing according to the old laws of the forest; but these

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Chairman—continued.

are the only rights which have been exercised in my time over these lands, lands all within this perambulation (*pointing to the map*).

1167. But not being the property of the Crown? —Not being the property of the Crown. No other right has been exercised in my time except

Chairman—continued.

the right of shooting, and that is only exercised once a year at the end of the shooting season, to cause as little inconvenience to the owners as possible, just to keep up the right of the Crown to its rights.

Mr. JOHN CLUTTON, called in; and Examined.

Mr. Clutton.

Chairman.

1168. You are a surveyor and land and timber valuer?—Yes.

1169. You have, I believe, devoted a good deal of attention to the rearing of timber?—Yes, for the last 40 years.

1170. And you have considerable practical experience as to the formation and management of plantations of all kinds?—Yes, very large.

1171. Have you not been concerned in the disafforestation of several forests belonging either to the Crown or to private persons?—Yes.

1172. Can you state what proportion of the whole was allotted to the owner of the forest in each of those cases, or in some of them?—The first forest in which I had to act for the Crown was the forest of Hainault. The Crown, in that case, obtained 1,917 acres, and the commoners 969 acres. In Wychwood the Crown and ranger together obtained 2,737 acres, and the commoners 760 acres. In Whittlewood the Crown and ranger obtained 3,183 acres, and the commoners 680 acres. In Woolmer the Crown had 3,415 acres, and the commoners 1,218 acres. In the last, the small portion of Dean Forest which was inclosed under an Act of Parliament, and is called Walmore and Bearce Common, the Crown obtained 242 acres, and the commoners 92 acres. In a private forest in Essex, in which I was valuer, and acted altogether, the owner obtained 841 acres, and the commoners 222 acres. These inclosures were almost all carried out by different Commissioners, in the most of them there were three.

1173. Had the deer been removed from Woolmer under a previous Act?—Yes, the deer had been removed from Woolmer under a previous Act, by which the Crown were to inclose and keep inclosed 2,000 acres.

1174. Are you well acquainted with the New Forest?—Yes, I gave evidence before the Committee which sat in 1848 and 1849. My evidence is in the Blue Book of 1849.

1175. And have you a general knowledge of the position of the Crown in the forest with reference to its own rights and the rights of the commoners?—Yes, I have generally. I should state that in 1849, when I first went into the question of forests, my practice had not led me at all into the forests, and, in fact, I knew very little or nothing of forest law, and my report in that year, 1849, was based upon my experience of an ordinary lord of the manor, as distinguished from the lord of a forest; and if the Committee would allow me to read the few words upon which I have always based my recent calculations, I shall be glad to read them. This is the opinion which is given by Sir Vickary Gibbs and Sir Thomas Plumer: "It appears to us that a false view has been taken of this subject, for want of distinguishing between those rights of common which are mixed with no other interest

Chairman—continued.

but the lord's right in the soil, and those which are mixed also with the King's forestal rights. In the former case the rights of common being limited, either by a stated number of cattle, or by levancy and couchancy, must be satisfied before the lord can take any part of the pasture, because he or his predecessors have subjected their own interests in the soil to these qualified rights of pasture; but the case is very different where the King has not only the right of soil, but also forestal rights over the land in which a right of common is claimed. The forestal right has in its nature no limits; the exercise of it varies with the number of beasts which the King may at different times see fit to support. He seldom stocks it to the full, but there is nothing, as we conceive, to prevent him from doing it if he pleases, and the rights of common must be so exercised as to leave a sufficiency of pasture for such beasts of the forest as the King may please to keep thereon. All rights of common which can be legally exercised are limited either to a stated number of cattle, or to the number which can be levant or couchant upon the land; but the forestal right has no such bounds, nor do we find the least vestige of any restriction ever put upon it, or of any rule by which it has ever been or can be limited. When an admeasurement takes place, a sufficiency of pasture is to be provided for the beasts of the forests before any allotment is made to the commoners, which must necessarily mean for the beasts then fed upon the forest; but if they should afterwards be increased in number, a larger provision must then be made for them; this we understand to be the nature of His Majesty's forestal rights." Then there are some observations upon that by Lord Portman, Mr. Dampier, and Mr. Daly, who were appointed by Commission in 1850; but that has been the basis of my recent proceedings.

1176. Then you have governed yourself in forming an estimate of the respective rights of the Crown and the commoners by the decision which you have now read to the Committee?—Yes, in recent inclosures.

1177. Have you been in the New Forest recently?—I was there last year, but I should state that I have not been there for the purposes of this inquiry at all. I was asked if it was necessary, but I said I supposed I should be asked only on broad principles, and that I should prefer not to deal with details.

1178. But you are acquainted generally with the state of the woods and plantations existing in the forest, and with the system pursued in making new plantations?—Yes; I have seen them many times, but could not tell you where any particular plantation is.

1179. You are also aware of the leading provisions of the Acts of Parliament under which the plantations are made?—Yes.

1180. Were

Chairman—continued.

1180. Were you consulted when the New Forest Deer Removal Bill of 1851 was before Parliament?—Practically, I was consulted on both sides to a certain extent; but certainly Lord Seymour consulted me, and the late Mr. Compton; but I do not pretend that Mr. Compton acted on my advice in any way; I was talked to by both sides. I appeared for the Crown, but I did not give evidence in 1851.

1181. Having regard to the provisions of the Acts of Parliament relating to the New Forest, what is your opinion as to the system on which the woods and plantations should be treated, so as to realise the best net income to tenant for life without detriment to the interest of the reversioner?—In the first place they cannot be properly managed as long as you have a constant trespass from rights of common. The cost of managing a plantation which is open to common rights, or surrounded by commoners' cattle, must be vastly more expensive than the ordinary management of a coppice or plantation in severalty. There is no doubt that, having regard to the due interest of the two, the tenant for life and the reversioner, on broad principles, provided there is no amenity or timber for ornament, the timber as soon as it becomes ripe belongs to the tenant for life, and during the period of its becoming ripe all thinnings go to the tenant for life; but I assume that in this forest no one would be unwise enough to suggest that ornamental timber, in the true sense of the word, should be cut; because the land on which it stands is worth three times as much with the timber upon it as it would be without it, and whatever decision Parliament may come to with regard to this forest, there is no question that the timber, which is in a strict sense ornamental timber, should be allowed to remain, both for the profit and also for the enjoyment of the public so long as it remains open. But, at the same time, no man can prudently plant (as I have heard suggested in this room to-day) under old beech trees or other old timber. Anybody can go up the Long Walk at Windsor and see what the result of that is; I have frequently tried it, but the great majority of trees planted under old timber will not grow. If you want to get up new plantations, as I have been putting some recently in Richmond Park, you must to some extent clear the old timber away, not entirely, but to a great extent, if you wish the new plantations to succeed; and, in this forest, as elsewhere, if you wish to retain the beauty of the forest, you must have some new plantations, or the present crop will vanish in a few years. Take Mark Ash for instance, Mark Ash will not exist 50 years hence, in my judgment.

1182. I understand you to say that woods will not renew themselves?—Woods in severalty in our counties of Surrey, Sussex, and Kent, will replenish themselves although you may never plant anything; but then we keep them absolutely free from water, and absolutely free from cattle, and all beasts which may interfere with the growth of the young trees; and in the southern districts, and I have no doubt in Hampshire, if you were to set out this land in severalty, and keep beasts out of it, you would very soon find that the young oaks would come up in it. I could show you thousands of acres a very few miles south of this, in which there never had been a tree planted, and where there is as fine a crop of timber as you have ever seen, and the 0.100.

Chairman—continued.

management of that property has been in my family for a hundred years.

1183. In speaking of the value of the land covered with ornamental timber being so much greater than the value of the timber itself, I suppose you speak of it as valuable for residential purposes?—Yes.

1184. Value for sale?—Value for sale, or for letting or for building houses upon, that is to say, in a marketable and commercial sense.

1185. Not value for the crop which it would ultimately produce, or for the revenue which it would produce to the State?—The old timber will not produce, and it cannot be expected to produce, a shilling till it is swept away; that I do not think anybody will dispute, that timber in that state cannot produce a shilling as income; but as I have frequently said before, this land is far more valuable in a commercial sense, if you will allow me to say so, than it would be if the timber were cleared away.

1186. Can you give the Committee any idea of the value of the forest in its present state, compared with what its value would be if it were held in severalty?—As a matter of proportion, I should think the value, as inclosed and set out in severalty, would be from five to ten times as much as it is now. In fact, I do not think anybody can put an estimate on it in its present condition. The Crown scarcely gets anything, and the commoners scarcely get anything. With regard to the large landowners of the district, I undertake to say that, if you could see their accounts, they produce nothing. The smaller commoners surrounding the forest do, no doubt, make something; but, as to the larger proprietors, I might almost venture to say that the value of the thing to them is almost nil. The late Mr. Dickinson tried putting good cattle upon the forest, and the consequence was that they died. When I first let Wychwood after it was inclosed, one of the tenants brought good stock to the land, and 35 out of 40 died. It is only cattle bred in the forest, or brought from Scotland, or some other district where they have been used to that wild living can thrive; for the better class it is worse than useless.

Mr. Rodwell.

1187. Does that estimate of yours of the increased value of the forest, if held in severalty, apply to the Crown as well as the commoners?—Yes.

1188. Everybody would be benefited somewhat, therefore, to that extent?—Yes.

Chairman.

1189. Then you entertain no doubt that the rights of the commoners, as well as those of the Crown, would be of more value if held separately than they are as at present held and enjoyed?—No doubt of it; I may observe that I was simply the agent of the Crown in the disafforestations; I was not the servant of the commissioners who carried them out; I simply appeared as agent for the Crown; in only one case, I think, did we get a decision of the commissioners; it was all done by compromise with the parties; I negotiated with the parties during the commission, and in every case, I think, we settled the allotment to be given to the Crown and to the commoners by a voluntary arrangement; I afterwards gave evidence before the commissioners to satisfy them that

Mr. Chilton.

4 June 1875.

Chairman—continued.

that the public interest was properly guarded and taken care of.

1190. I understand you to advocate a complete separation of the interests of the Crown and the commoners, an allotment to the Crown of lands in severalty as in the case of the forests which you have mentioned, and an allotment to the commoners in severalty as in similar cases?—Yes, but it does not at all follow that, supposing Parliament agreed to a separation of the interests of the two parties, the Crown and the public on the one side and the commoners on the other, Parliament should not reserve the power to itself of keeping the portion allotted to or obtained by the Crown in its own control until they had directed the appropriation of it. It does not follow that it should be broken up or converted into tillage or any other purpose. First of all get the separation between these parties who are always in conflict, and who always must be; it is a matter of necessity that the Crown and the commoners must, as long as it remains in this way, be in conflict.

1191. I understand you to suggest that it would be practicable to provide that the land allotted to the Crown should remain in wood?—Remain in wood or be dealt with in any other way which Parliament may eventually decide after it has got the separation made. I always, since 1849, from that time to this (and I have been examined many times before Committees of the House of Commons) said the same thing, and in fact I do not see one tittle of evidence the other way.

1192. Have you recently read the Deer Removal Act of 1851?—Yes.

1193. What, in your opinion is the fair interpretation as between the Crown and the commoners of that Act?—I think that the Act was intended simply to remove the deer, and the deer were unquestionably a great nuisance to the owners of the adjoining land, and, as I read the Act, and as I knew at the time it was only intended to remove the deer, so far as I was consulted.

1194. It was a common benefit both to the owners of lands in the forest and to the Crown that the deer should be removed, as I understand you?—Certainly it was. It was a benefit to the Crown so long as it got the equivalent, but the moment Parliament interfered and said, "You shall not exercise that right to get an equivalent," then of course the Crown was nowhere. The Crown was supposed to get the right to inclose 10,000 acres, and now they have absolutely nil except the parts which were inclosed up to that time; they have not an equivalent for that which they gave up.

1195. That is to say, the Crown have not yet received the 10,000 acres which they were to obtain under the conditions of the Deer Removal Act?—Certainly; and every year's delay of course renders it so much the harder that they should be unable to inclose again, because when these 10,000 acres were thrown out I assume that they would have the right to inclose other 10,000 acres.

1196. That is your interpretation?—That is my interpretation; that was certainly the interpretation of Mr. Compton.

1197. This is an important question, and therefore I should like to get it perfectly clear; your interpretation of the Deer Removal Act is that the Crown under that Act have the right to inclose 10,000 acres for the growth of timber?—Yes,

Chairman—continued.

timber and trees; that Act varied it, the previous Act was timber alone.

1198. And other 10,000 acres again so soon as the 10,000 first inclosed after the Act of 1851 are thrown open?—Yes.

1199. In other words the rolling power, as it is called, *toties quoties*?—Yes.

1200. That was your interpretation of the Act of 1851?—It was not only my interpretation of the Act of 1851, but my understanding at the time the quantity was reduced from 14,000 to 10,000 acres; because I was asked whether it would be prudent on the part of the Crown to give way on that point, and I said that with the rolling powers I did not think it was unfair to make it 10,000 instead of 14,000 acres.

Mr. John Stewart Hardy.

1201. Would "timber and trees" include the growth of coppice wood?—No, I should not read it so.

Chairman.

1202. Then the result of the exercise of that power would be, would it not, within two or three generations, to cover the whole of the forest, which would bear timber, with timber?—Yes, limiting it to that which would bear timber.

1203. That would be the fair and legitimate interpretation, in your judgment, of the Act of 1851?—I always understood that to be so; and looking at the paramount right of the Crown, as I read it before, I did not think it was unreasonable at the time it was suggested.

1204. Do you happen, of your own knowledge, to know how many acres are now inclosed under the Act?—I have got it somewhere.

1205. We have had it in evidence; but you have no general knowledge on the subject, as I gather?—No.

1206. If the rights of the commoners in the New Forest were made exercisable during 12 months of the year, would they not be largely increased in value?—No doubt.

1207. To the advantage of the commoners, and to the detriment of the Crown and public?—No doubt; when I say to the loss of the Crown and the public, I do not mean to say for a moment that the Crown can make a profit of it; but it is a right belonging to the Crown, and which the commoners never had; and I say it is a valuable right, and a right which it should be paid for, either in a severance of the rights, or in some other way. The commoners from the origin never had more than six months' pasturage in the forest, as I could read it, and if they had more, I am at a loss to see it.

1208. I suppose, speaking of profit and loss, and gain and detriment, you look forward as an absolute certain fact some time or other to the separation of the rights of the two parties; and the effect of any increase in the exercise of one right, that is the right of the commoners to common, would diminish that ultimate appropriation of land to the Crown, which you regard as certain to be made?—Unquestionably.

1209. And that is the basis upon which you formed the use of the words profits and loss, advantage and detriment?—Clearly; I have lived since 1848 to act for the Crown in the inclosure of all but the two remaining forests, and I can, speaking from my own knowledge, say that the increase of income from those forests has been much

Chairman—continued.

much more than fivefold. The Crown income alone from the inclosed forests I have had to do with is 15,000 *l.* a year.

1210. I take it as your deliberate opinion that if rights of common were now created during the fence month and winter heyning, such new creation, or rather such allowance, would operate as a valuable grant in favour of the commoners to the loss of the Crown and public?—No question about it.

1211. Can you suggest any means of adjusting the points in difference between the Crown and the commoners?—Nothing but a complete separation; and by the appointment of a commission, as has been done in all other cases; there has been no difficulty, no heart burnings, no jealousies, no discomfort; the thing has been carried through, and the whole of the populations of the districts have, I believe, been vastly increased in wealth and importance; I could mention one village alone, a village in Wychwood, called Leaffield, which was, I should think, the haunt of all the poachers and vagabonds in the district, and now they are respectable quiet orderly people; they find additional work on the 3,000 acres which have been inclosed and brought into cultivation; in fact they are altogether an altered population.

1212. Do you know anything of the character of the population of the New Forest?—No.

1213. Have you any reason to know that they are anything in character like what the people of Leaffield were some time ago?—Well, they must be. When a man has such a precarious living he is driven to it; I am sure I should be myself if I lived on the borders of the forest.

1214. I understand you to say that in your judgment there is no method by which this existing partnership of interest, this existing marriage, can be maintained?—Nothing but a complete divorcee.

1215. A complete divorce is absolutely necessary for the happiness of both the parties, you think?—Yes; if you and I were joint owners of an estate, I should strongly advise that we should separate. It is not well that two people should have a joint interest in anything. Parliament has been getting rid of copyholds. Why is that. Because they found that the estates were never so well managed as in severalty; and in many other cases the same thing is true, church leaseholds, and other cases.

1216. Then I understand you further to say that any concession in favour of commoners would be at the expense of the Crown and the public, although that which might be conceded was not producing any immediate revenue?—Certainly; the Act was passed, as I conceive, after evidence. I cannot understand how it can be said that people were taken by surprise.

1217. What in your opinion is the real meaning, in the case of the New Forest, of a severance of rights?—I mean that in the first instance an allotment should be set out to the Crown and the public, and that the commons should be set out as regulated pastures on the borders of the forest, as we have done in every other case. The convenience of the commoners has been consulted. We have put the allotments in the neighbourhood where the population existed, and the Crown has taken in the centre of the forest the remainder which was allotted to it. When I talk of the remainder, I mean to say that in the first instance 0.100.

Chairman—continued.

the Act directed that the Commissioners should set out an allotment for the Crown, leaving the residue to the commoners to be dealt with as they might choose hereafter; they were never dealt with under the same Acts.

1218. Then you now point to a series of proceedings; the first is to set out the allotment to the Crown; and then you point to subsequent proceedings which would deal with the residue left to the commoners?—By the same Act they would set out an allotment to the Crown, and the residue of the forest to the commoners.

1219. Would that procedure necessarily imply an inclosure of the land, or its conversion to agricultural purposes?—Not at all. Parliament may, when any such Act is passed, prescribe that it should not be dealt with otherwise than as Parliament may hereafter prescribe. Get the separation in the first instance to be dealt with hereafter as may be directed. In all the other cases it has been left to the Commissioners of Woods to do either by sale or by conversion into tillage as they thought fit. The result has been what I tell you, that they have got an income from that which before probably did not produce them many hundreds, now of about 15,000 *l.* a year.

Mr. Cowper-Temple.

1220. Are there not in the New Forest a considerable number of commoners in humble circumstances, living partly by wages of labour and partly by the exercise of rights of pasture and pannage?—I have no doubt there are, as there were in every other forest which we have had to deal with.

1221. When you said that all parties would gain by a disafforestation, in what way, do you think, that these small poor commoners would gain?—I deal with them as a body of commoners. I say they would gain in two ways; that after the residue of the forest was set out to the commoners, if they chose to inclose it they would be very large gainers, but they would be gainers by having a regulated pasture kept in proper condition.

1222. Do you contemplate that after such division there would remain as much pasture land for the commoners as at present?—As much as they would be entitled to under the Crown's paramount right.

1223. Might I ask whether you think that they would have the same range of area for their cattle after the disafforestation, that they have now?—Certainly not; because the Crown has not got its equivalent.

1224. Did you not in 1849 say that you considered that one-half in value should go to the Crown, and one-half to the commoners?—I said so. That is what I intended to explain, by saying that on that occasion I looked at it in the light of a simple lord of the manor. I knew literally almost nothing of forest law or rights at that time.

1225. Do I understand that you anticipate that that would be the result, or that it would not be the result, that the division would be in that proportion?—It has not been the result in any other case in which I have been concerned for the Crown in similar cases of forests; and certainly it would not be if I had anything to do with it, if I could help it.

1226. Do you consider it at all probable that

Mr. Clutton.

4 June 1875.

Mr. Clutton.

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Mr. Cowper-Temple—continued.

the small commoners, of whom I am speaking, would, after the disafforestation, have the same opportunities for pasturing their cattle, and getting pannage for their pigs as now?—As to pannage for their pigs, I assume they would not, because there would not be the same amount of timber on the land left for common as there is now; but as regards pasturage, assuming that even one-fifth were set out in common, or say 15,000 acres, if that were properly protected and preserved, no doubt they would have better pasturage upon that than they have on the greater portion of the forest now. I do not mean to say that they would have it to the same extent, because of course they would not. The Crown has not got its rights, and the commoners have a much wider range than they are entitled to.

1227. Would it be possible, in making an allotment to the commoners, to give them land for pannage and for pasturage contiguous to their residences, as is the case now?—That always has been so in the inclosures which I have been concerned with.

1228. You do not therefore contemplate having only one block of land for the commoners, but a great number of blocks of land?—All round each village; they have taken large districts, and, according to the number of claims in that particular district they have set out as nearly as might be an equivalent allotment.

1229. But you contemplate as a possibility that these small straggling yeomen might really be practically deprived of what is now to them so very important a source of income?—If you refer to what they have in the form of pasturage, I do not conceive that they would be deprived of that; I propose that they should have it set out according to their rights.

1230. Have you any idea that you can form of the relative proportion that would go to the Crown, and the relative proportion that would go to the commoners; do you think it at all probable that these small commoners would not suffer?—I can only give you facts from the cases of the forests which I have been concerned with, and I can only say that the small people round these forests are better off now than they ever were before.

1231. Is that from the exercise of their rights of common, or is it because there has been an increase of wages?—An increase of employment; and in every instance the common has been inclosed by themselves; the Crown had no word to say to it.

1232. In those cases probably the agricultural occupation has transferred these men from their position of half trusting to common rights, and half to their labour, and made them earn better wages?—They have got a better class of cottage altogether, and, in fact, the whole of the people were improved; take Hainault; there was not a stronger instance in the Kingdom than that of Hainault: there are not one-fifth of the bad cottagers there were about Hainault when I first knew it, and every one has shared in the improvement.

1233. Does the principle that you have advocated of division between Crown and the commoners, apply practically to all common lands in England where the right of the lord of the manor, and the rights of the commoner are in joint action?—I do not know what you mean by "joint action." I hold that the lord of a forest has a totally diffe-

Mr. Cowper-Temple—continued.

rent interest from the lord of a manor; the lord of the manor has simply what the commoners leave; in the other case, that of a forest, the lord has all he can take, or wants to take, and the commoners take the balance.

1234. I suppose you mean practically that when the lord of the forest has deer, the fact of having those deer makes a distinction between him and the lord of the manor; is there practically any other difference?—The lord of the forest in Hainault had, I believe, one deer; I believe my clerk had it; that was the only deer when it was inclosed.

1235. Will you explain what practically is the difference between the lord of the forest and the lord of the manor?—The lord of the forest has a right to keep an unlimited quantity of deer to the exclusion of everybody and everything.

1236. And is that the only distinction?—He has rights of soil, and rights of sport and of game.

1237. The right of soil is in the lord of the manor also, is it not?—It is usually in the lord of the manor; but the lord of the manor is frequently restricted by the tenants saying that their herbage is destroyed; I have got a case of that now in Surrey, where there is a suit going on for the purpose of restraining the lord of the manor; but I do not understand that there is any restraint in a forest; but there are so many gentlemen of the law at this table that I am afraid to speak on such subjects.

1238. Then, assuming, as I think I may do, that the practical distinction between the lord of the forest and the lord of the manor is, that one has the right to keep deer and the other has not; what is the difference now in regard to the New Forest, where the Crown has parted with its right to keep deer?—The Crown has parted with its right for a consideration; that is, to inclose 10,000 acres of land, and when that is fit to be thrown open to the public to be again inclosed, and so on.

1239. Then I think you are not able to show me, with regard to the waste (I am now omitting the plantations), that there is really, practically, any difference between the Crown in the New Forest and an ordinary lord of the manor in common land. I am not troubling you about legal questions; I am only asking you the question now as a practical man?—I do not understand your question; because, as I have said before, I conceive that in the New Forest the lord's right is the first and paramount right, and the right to take all he pleases in the shape of pasturage, the commoners coming Number 2, and having nothing but what the Crown leaves. In the other instance, the lord of the manor has everything which the commoners leave.

1240. I think you stated that this right of the Crown was the right to keep a great number of deer, and in that way to influence the rights of the commoners; but, when the Crown has parted with that right, it has ceased to be in a different position from the lord of the manor, has it not?—It has the right to inclose those 10,000 acres, and it has the right of sporting, and the right of keeping and regulating the timber in any form it likes.

1241. Does not the right of sporting belong to a lord of the manor generally?—My impression is that it does, but not in all cases.

1242. I am only speaking in a general way?—
Generally

Mr. *Cowper-Temple*—continued.

Generally speaking, the lord of the manor claims to have the right of sporting.

1243. Does it not follow that this principle which you have been laying down with regard to New Forest really does apply practically to all the open lands of the kingdom, that the two parties might be benefited by inclosing in the way suggested?—No doubt the two parties might benefit greatly by inclosure.

1244. Is there not a third party who might have something to say to the matter, which is the public, who practically have the enjoyment of these open spaces, including the New Forest, and who might be deprived of that enjoyment by this agreement between the lord and the commoners?—I represent the public; I am one of the public.

1245. Are you indifferent, as one of the public, to the pleasure which the public can now enjoy in the New Forest?—I, as one of the public, say that to keep 60,000 acres of land there in the state it is in is a positive disgrace. I say it is an area equal to half the county of Rutland absolutely kept there for the very few people who frequent that place. I will admit, if you like, that it is as you say. Get the Crown allotment, and leave it open as long as you like, but do not keep the whole forest in such a condition. What do you want your 60,000 acres for?

1246. Will you explain to the Committee what you think is the degradation of leaving the forest as it is; do you mean that the waste lands of the forest, which are not included in the inclosure, ought to be converted into farms?—No; I say plant them, if you like; let Parliament decide what shall be done with it; but do not have this constant conflict between one party and the other, one trying to get something from the other.

1247. Perhaps you would tell us what you think would be the value of the open waste, if it were either planted or cultivated. Would it be at all profitable to anybody to bring the open wastes of the forest into farm cultivation?—No doubt, as to parts, it would be; but they are worth a great deal more to sell to the gentlemen who have made money in the north.

1248. Supposing they were used for cultivation, would the expenditure of draining, fencing, erecting farm buildings, making roads and wells, and so on, ever be remunerated by agriculture?—In some parts of the forest it would, in other parts it would not.

1249. Would you just tell me whether you mean very small parts?—No; I think there are considerable districts which might be cultivated.

1250. As you know the forest well, perhaps you could give us the proportion?—No, I cannot go into detail. I stated, in 1848, what my opinion as to proportions was; you have that before you; I do not vary it in any way.

1251. Does it seem to you that it would be a very profitable way to plant Scotch firs upon it?—I think it would be profitable; I do not say very profitable; at the present time charges, as we know, are required to be incurred for props and other things.

1252. You would not recommend the planting of larch?—No, certainly not.

1253. I have observed that on the west and north of the New Forest there are large tracts of land with an appearance very like the waste parts of the forest?—Yes.

O.100.

Mr. *Cowper-Temple*—continued.

1254. Do you think we may assume that it is of the same sort of value?—That all depends upon how near they are to population, and how near they are to a railway and railway stations.

1255. My question rather had reference to the quality of the land, whether, speaking broadly, you would say it is the same sort of quality?—No doubt it is.

1256. Is it a right inference to draw, from the fact that all those lands belonging to private parties have not been turned to any use, to infer that no profit can be made out of them?—No, I think not.

1257. You think that the people are not alive to their own interests?—And if they are, they have not money in their pockets. There are many other reasons. I know many cases in which a large proprietor (I know one particularly; I have been frequently upon the estate) in which a large proprietor has many thousand acres of that kind of land; he would not allow it to be cultivated or inclosed, and he simply keeps it as an enjoyment, and as a large area upon which he can sport and amuse himself.

1258. You were saying just now, that you did not think trees could prudently be planted under trees?—No.

1259. But do you not think that in old woods, where there are intervals in which trees leave open spaces, it might be very proper to plant trees wherever there was a clear amount of sky over the planted tree?—My experience is that they never do well, that they get what we call "toppy," and they never grow with a natural beautiful growth as they would if they were planted away from the shadow of the larger trees; you may go into Kensington Gardens, or anywhere, to see that what I state is the fact; there is not a single tree planted among those large trees which grows in what I call a natural or healthy condition.

1260. I think in the New Forest we find considerable intervals in all the old woods in which there are no trees; your remarks would not apply to filling up those intervals?—No; in many places it would be better if it were inclosed and planted, if you wish to keep up the beauty of the New Forest.

1261. This forest has existed for more than 800 years; can you explain how it has been that the trees have renewed themselves on the waste?—I cannot say that I think they have renewed themselves as they ought to have done, because there is not a single forest that I have had to do with that has had so small a quantity of timber upon it as this one; in Hainault there was 40,000/. worth of timber upon 3,000 acres of ground.

1262. Am I correct in taking this view: as the trees are there, and have sprung up in the course of Nature, why may we not hope that in the future Nature will do what she has done hitherto, and provide us with trees as she has done in the past?—Take Mark Ash; I do not believe it was ever self-sown. Now take the other side of the forest, the south side of the forest; in many of those woods, no doubt, where there is a considerable quantity of brushwood and rough scrubwood, there you will get a succession without difficulty, but in the other portions of the forest you will not.

1263. But supposing that those beech trees at Mark Ash were not to be replenished, but to be allowed

Mr. *Cluston*.

4 June 1875.

Mr. Clutton.

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Mr. Cosper-Temple—continued.

allowed to die, surely there would be no difficulty in providing that in the neighbourhood another wood should spring up to supply its place?—If it was a natural wood, and did spring up, why has it not sprung up in the adjoining part? I believe that it is the soil, and the planting upon that soil that has produced the wood; and I do not believe that to all eternity, unless you planted it, the adjoining land would produce that same description of timber.

1264. I suppose whenever one sees such tremendously magnificent trees as Mark Ash, you must suppose that there is something peculiar in the soil?—I believe it is the soil; and if you look at the soil adjoining within a few yards, I do not believe, if you planted hundreds of trees on it, you could produce that description of timber.

1265. Supposing it to be desirable to renew the old picturesque woods, will you give us your opinion whether it would be necessary to have an inclosure round them to keep off the cattle, or whether we might trust to Nature protecting these trees by the hollies and the thorn bushes?—I do not believe that; I do not believe you could get up in that forest any considerable quantity of natural wood without inclosing it; I do not mean that a certain quantity of Scotch fir will not spread itself and grow; but it is such a very slow process that it is not worthy of consideration; I have known that forest ever since 1849, and the process has been so slow that you can scarcely tell the difference now from what it was then; I do not mean to say that it is not now going on; I know it does go on.

1266. Is it not an opinion held by many that those oaks which spring up from the planting of an acorn are really better trees in all respects than those which have been transplanted?—I am quite certain that they are not. I am quite certain, in my own mind, that taking the very best timber in the New Forest, those plantations which were made by William, in which the timber was as fine as any you could see in any part of the New Forest, there is no reason to suppose that they were not planted. All the records show that they were planted.

1267. But it is not the common experience of many persons in the neighbourhood of the forest, as in other positions, that the self-sown timber grows far quicker, and is better in the end than the planted timber?—My experience is not so; and in Richmond Park I can show you trees planted only 40 or 50 years ago that have grown faster than anything I ever saw. Anybody can go and see them.

1268. In reference to the quantity of firs that are spreading themselves over the forest, do you think that those firs prove themselves to be less good than those that have been planted?—No; I do not say they would be less good but I do not think that they are any better, certainly.

1269. I observe in your evidence in 1849 you stated that when you took the portion of the forest, which should be given to the Crown on partition, you would exclude the 6,000 acres under William the Third?—Yes.

1270. I want to know why you assume that those 6,000 acres, which were granted for the purpose of Navy timber should be considered as part of the hereditary revenue of the Crown, and not as part of that waste which would be dealt with between the Crown and the com-

Mr. Cosper-Temple—continued.

moners?—Simply because the Crown had always a right to keep the 6,000 acres inclosed; that was my reason. I do not think there was any good reason in it, mind you, because I throw over altogether those calculations, for the reasons which I have given you.

1271. But is it not the fact that in the Act of William 3, it was especially enacted that these 6,000 acres should be planted for the growth and preservation of timber for the supply of Her Majesty's naval yards?—Yes.

1272. And when the Navy ceased to require this timber, the purpose for which it was granted having ceased, was there any reason why it should revert to the hereditary revenue of the Crown?—I cannot tell you as a question of law, which I will not venture to give an opinion upon. What I supposed was, that it was a growth of oak timber for the benefit of the Crown and the public; I cannot go into the question of the law of the case.

Mr. John Stewart Hardy.

1273. When you have said that planted trees were at least as good as self-sown trees, you do not venture to say that they are any better?—No, I did not say that.

1274. And what you said in reference to trees under old trees would only apply to planting trees among hollies; that if we were to inclose among the old wood, you would allow that that would naturally replenish itself?—If the old trees did not overshadow them, or keep off light or air. Say that there was a space as large as this room, if you put a tree into the middle of that you would not find that it would make as satisfactory progress as if put in the midst of a number of others of similar age in a plantation.

1275. If it grew up of itself from an acorn, it probably would, would it not?—I do not think so; the process is so long.

1276. I will not say that self-sown timber is as good as planted timber; but surely a self-sown tree would catch up a tree that was planted at the same time, say at six feet, or any other height?—It would not; I have tried both; I have planted thousands of them.

1277. At the same time, you do not consider it an undesirable way to replenishing the old woods to get permission to plant as little as 50 or 60 acres for that purpose?—No doubt; but you will get up timber better with a few nurseries than without them.

1278. I observed the other day that some of the woods inclosed, with the intention of cutting down, have not been cut down, and amongst old trees there are trees growing up at a very good rate?—Yes, were they are kept from the cattle.

Mr. Ryder.

1279. I think that in a sense you were a party to the bargain that was made between the commoners and the Crown in the Deer Removal Act of 1851, were you not?—It was intended that I should give evidence, but the evidence was stopped.

1280. Was not the throwing back of the inclosure into the forest looked upon as an equivalent for taking new land from the forest?—I do not think it was.

1281. It has not turned out so?—I think, to a limited extent, it has, but not to the whole extent. It depends upon the class of land that you inclose.

Mr. Ryder—continued.

inclose. If you inclosed land on which heath is growing I have no doubt it would be found to be better when thrown out than it was before you took it. If you did not I think the reverse would be the case. If there is heath upon the land, and you inclose it, you destroy the heather, and you get a growth upon it which is better than it is now, I mean as regards commoners.

1282. You said, with regard to the right of heyning and fence month, which was in the Crown, that that was a valuable right?—Yes.

1283. But it is only valuable, is it not, in the sense that you deprive somebody else of a right which is of value to them?—But it is a right which they never had and never were entitled to. Why you should give it up without compensation is a mystery to me.

1284. It only becomes valuable on a settlement taking place?—Which settlement must take place.

1285. With regard to the separation which you advocate of the interests of the Crown and the commoners, would what has been called the sentimental interests of the public be protected in that event?—I think they would if the Act directing the separation also directed that the land should not be dealt with otherwise than as Parliament might think proper.

1286. For instance, that fine old timber should be preserved, and the most picturesque parts of the forest?—Unless it were allotted to the commoners, there is no question that it would be preserved, and nobody in his senses would destroy it, because you destroy the value of the land itself by destroying the timber. That land may be worth 50 l. an acre with the trees upon it, and not worth 10 l. without them.

1287. You would have to be very careful in the allotment in order to preserve the interests of the public?—That has been done before, and I see no difficulty whatever in doing it in this case.

1288. With regard to expenses, at the present time the net receipts from the revenue of the forest are extremely small, are they not?—£ 2,700 a year, or something of that sort.

1289. Three thousand pounds on the average for the last 10 years, I think. Do you think there is any chance of those receipts being increased as the timber gets older?—Many years hence.

1290. Thirty or forty years hence, do you mean?—Yes; I suppose some of that timber will be ripe for felling in about 40 or 50 years.

Mr. Rodwell.

1291. You mentioned some other cases in which the Crown had given compensation for commoners' rights?—Yes.

1292. Were those cases analogous to this case of the New Forest?—I think so.

1293. With deer, for instance?—Yes.

1294. Would you mention one or two of those that you say are analogous cases to this?—Probably the Wychwood is the most nearly analogous to this; it is not quite analogous.

1295. I wanted to see whether you could give me, amongst those instances, any instance strictly analogous to this?—I think Woolmer is, as there was a power of inclosing. In two other cases the Lord Warden had the right to inclose coppices for a certain period to allow of the growth of underwood, but in Hainault there was no such power. I mentioned one private forest in which the rights

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Mr. Rodwell—continued.

were similar to those in Wychwood and Whittlewood.

1296. And to those in the New Forest?—And to those in the New Forest. In the cases that I have mentioned to you the lord had the right to keep deer; in all cases they had not deer upon them, particularly if you take the very last inclosures, Walmore and Bearce; they happened to be separated by several miles from the bulk of the Forest of Dean. They were inclosed under a special Act of Parliament only about three years ago.

1297. Do not you think that when the very title of that Act of 1851 was "An Act for the Removal of the Deer," it is a very important element in the consideration whether there were deer existing, or whether it was only a right to have deer?—I suppose they would not have passed the Act for their removal had there not been deer, I assume; and I have no doubt that Act was passed because of the injury done by the deer to the adjoining owners.

1298. And is it not the fact that the removal of the deer was a pecuniary advantage to the Crown also?—If I were to advise the Crown tomorrow upon an inclosure, I would rather stand in the position of the Crown in the New Forest before 1851 than in its present position.

1299. That is to say, you think the bargain was a bad one?—I think it was not a good one for the Crown in any sense. I would rather have an inclosure set out, whether by legal commissioners or otherwise, with the rights as they were before 1851, than as they were afterwards.

1300. You will not deny, I suppose, that it was a great advantage to the Crown to get rid of the deer, looking at it commercially?—Looking at it simply year by year, I should say it was an advantage to get rid of the deer; but I say that the right to keep the deer was a more valuable right than the right to inclose 10,000 acres.

1301. What was the right to keep the deer worth?—It was worth four-fifths of the whole of the forest.

1302. How do you attach a value to the right of keeping deer?—As involving the right of driving all the cattle off. Practically, I do not mean to say that we should ever take it in that extreme sense.

1303. If you did not want it for the deer, what was the use of driving the cattle off?—Simply to preserve the right.

1304. There is no commercial value to a right unless you use it, is there?—Excuse me; I might have sold it for a large sum of money.

1305. That would be with a view to the right being exercised. But supposing that the Crown had either to keep the deer, or to give up keeping the deer, was it not a commercial advantage to give up keeping the deer?—It was no doubt an advantage to the persons having a present interest in the Crown estates; but to the reversioner I say that it was a bad bargain. I say that to the reversioner having a right to keep the deer and to drive everybody off, was a more valuable right than the right to inclose 10,000 acres.

1306. As a make-weight, you mean?—As a right against their right. I say their right was worth almost nothing if I exercised my right.

1307. And yet the right, if the Crown exercised it, was a loss?—To both parties, I believe.

1308. I think I understood you to say that

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Mr. Clutton.

4 June 1876.

Mr. Chutton.

4 June 1875.

Mr. Rodwell—continued.

the commoners never had any common law right?—No, I did not say that; at least I did not intend to say that if I did.

1309. You say that you did not give evidence in the year 1851?—No.

1310. You were ready to be called, were you not?—I was in the room.

1311. You heard Mr. Gardiner's evidence?—Of course, I could not say what I heard; I have no recollection. I think Mr. Talbot sat just there (*pointing*). That is my recollection of it.

1312. The case took one day, did it not, and the thing was almost settled, was it not, upon the evidence given by Mr. Gardiner?—I do not think so.

1313. You will not pledge your memory?—No, but I do not think it was.

1314. Of course you only look to this Act, the Act of 1851, as it stands?—Yes, as it stands after due consideration, and after having passed with the knowledge of all parties.

1315. Now you have told us of the mode in which you would preserve the rights of the Crown and the rights of the commoners, and also that there would be no difficulty in preserving, so to speak, the rights of the public; that is to say, to give them what, in your opinion, would be a fair amount of enjoyment of the New Forest?—There is not the slightest difficulty in setting out the most beautiful parts as recreation ground for the public, but it cannot possibly require 60,000 acres for that purpose.

1316. But I presume that there must be a great portion of that 60,000 acres where people would not care to go?—If you stop there for months you will not see a single soul upon some of it; some parts of it are beautiful, no doubt.

1317. You do not see any necessity that, in preserving to the public the rights of enjoyment of the amenities, so to speak, of the New Forest, the whole of that 60,000 acres should be left open?—It seems to me, as one of the public, that to keep open 60,000 acres for the little public there, is unnecessary.

1318. Do you also give it as your opinion that all parties would be immensely benefited by a scheme of the nature of that which you have shadowed forth?—I have not the slightest doubt of it; that is my experience of what has taken place in all the other forests which I have had to deal with since the year 1848.

1319. Of course it would be necessary, in preserving the enjoyment of this to the public, that on the one hand too much land should not be taken for agricultural purposes, and that, on the other hand, it should not resolve itself into a dense wood?—My own impression is, that a very small part of it would be devoted to agricultural purposes, excepting as appurtenant to houses to be built upon it, or excepting for little people to bring it into cultivation. I do not think anybody would advise a large landowner to do it, and I should be very sorry to have to undertake it; but for the purposes of sale, for the purpose of putting up residences, for giving a man a large district to plant over, I believe it would sell for very considerable sums of money.

Colonel Kingscote.

1320. You have given us several instances of cases where the Crown and the commoners have had a composition with regard to the land, and you have given us the number of acres. I con-

Colonel Kingscote—continued.

clude that has been done upon a valuation of almost each acre, not upon the whole number of acres?—I was not the valuer to make those allotments; I was simply the valuer to protect the Crown interests, and to advise what allotments should be taken. It was done thus: in the first instance, two-thirds or four-fifths would be taken as the proportion, and then the allotments were made in respect to quality, situation, and other circumstances.

1321. I understand you to say emphatically, what Mr. Howard said, that the sooner the question of the rights between the Crown and the commoners is settled the better for both parties?—I have said so for years; I said so in the case of Dean Forest last year.

Lord Eslington.

1322. Are you a Government officer?—No, I am not a salaried officer. I am perfectly independent. I have nothing to do with the Government, excepting that I am a Crown Receiver.

1323. May I ask are you a lawyer?—No, indeed; I am a surveyor.

1324. Then any interpretation that you may give, or that you may have given, to an Act of Parliament, is not a legal interpretation?—I said so to Mr. Cowper-Temple. I hate Acts of Parliament.

1325. You told us that 50 years hence Mark Ash would not exist?—I believe so.

1326. Why do you think so?—Since I have known it, there have been scores of trees that have been blown down or that have died.

1327. Does it follow because an old tree is blown down in a heavy gale of wind, that the next tree will not live 50 years?—It is very much more likely to be blown down, than if the first old tree had not been blown down.

1328. Do you, with your knowledge of trees, mean us to understand that Mark Ash will not exist in 50 years?—I believe that those beech trees will scarcely have any existence in 50 years; that is my impression.

1329. I ask you, why?—I say that their age indicates that they have not long to live.

1330. Mark Ash is supposed to have been planted at the time of William the Third, is it not?—I am glad you say "planted," because Mr. Cowper-Temple assumed that it was not.

1331. I will put the question in this way; it came into existence in the time of William the Third, did it not?—I do not know.

1332. Then you do not know at all what is the age of Mark Ash?—No; except that I should guess from my experience.

1333. That is your opinion, that it will not exist in 50 years, and you can give no reason for that opinion?—Except from my experience of trees in Windsor Park, which were planted in the time of Charles, and which are dying now.

1334. Are there a great many oaks in Mark Ash?—Not a great many.

1335. Do you suppose that they will not exist in 50 years?—They will not live if separated from their neighbours. If you separate two oak trees, I know that the one which you leave will die.

1336. You have spoken very strongly in favour of a separation of the interests of the Crown and the commoners; did you not estimate, not very long ago, the value of those interests as about half

Lord *Eslington*—continued.

half and half?—I have said so already, and I have told you the reason why I have altered my view. I estimated those interests as if it were a question between a lord of the manor and the commoners. I had then no knowledge, or as little knowledge as it is possible to have, of the rights of a forest. If I had known then what I know now of the rights of an owner of a forest, I should not have made that estimate.

1337. And you base your improved estimate of the value of the Crown interest upon the possession of certain forestal rights?—Yes.

1338. Which rights are not exercised?—It does not matter; it is a right.

1339. But it is a right to which you can assign no value?—No more than I can assign a value to the commoners' interest. I say that the commoners' interest is of the smallest possible quantity now, in a pecuniary sense, just as the Crown's interest, if it were exercised, in the keeping of deer would be very small in a pecuniary sense; but as a right, both have a value.

1340. But if there is a separation of interests, without quarrelling about the relative proportions?—Which I have not given, and which I desire not to give, any opinion upon.

1341. But the public, in respect of its user, would lose all that amount of enjoyment which it now possesses in respect of the portions allotted to commoners, would it not?—The commons might be left open.

1342. Do you think it is likely that they would be?—I have never had any control over the commoners' allotments in any sense; I have never attended their discussions or taken any action with their commons; but I can tell you as a fact that they are all inclosed, every one of them.

1343. You have told us of the great improvement brought about in the character and morals of some populations by having these allotments made to them. Do you not think it is likely that if the population took to these industrious habits, they would exclude the public from the commons?—I should think possibly they might; and I say further, reading the Epping Report, the public have no right as a matter of legal right.

1344. And therefore it is your opinion, in respect to the New Forest, that they would have no legal right of user over the portion allotted to commoners?—I say Parliament can, if it chooses, give it the right to wander over any allotment that the Crown may get; it is for Parliament to decide.

1345. I want to carry out this idea of partition; you have spoken of the character of the population being materially affected in a moral sense by the existence of the forests in their neighbourhood; and you have alluded to the case of Wychwood, I think. Supposing your scheme were carried out, and large portions of the present forest were assigned to commoners, in compensation of their unquestioned rights, and the Crown retained the centre of the forest as its own domain, and there exercised the rights of a landlord and kept up a large stock of game, do you not think that that might have a rather bad influence upon the character of the population which would gather round a large game preserve of that nature?—It might have.

1346. And very likely would?—If it was policy to keep a very large head of game they 0.100.

Lord *Eslington*—continued.

would keep it; and if it was not, I daresay they would not. 4 June 1875.

1347. But the Crown has the right to do it?—So has any landowner a right to do it; I can tell you that on almost all the lands the Crown has under my charge, the occupier has the shooting, and the Crown reserves no right of shooting; they are, in fact, much more open to complaint than anybody else.

1348. Do not you think that the temptations offered to a rural population by a large game preserve would be infinitely greater than any temptation offered now by the existence of the forest in their vicinity?—I think the Crown might, if it thought proper, keep the entire 60,000 acres under game if it liked, and have a profit.

1349. Will you tell me the meaning of the word "agistment"?—No, I could not tell you.

1350. Will you tell me this; the forest is now growing, we are told, some 20,000 odd acres of timber; is it your opinion that it is growing the most profitable crop or not that could be grown upon that land?—Do you use the word "crop," as distinguished from timber?

1351. There are about 24,000 or 25,000 acres of forest now growing trees; I want to know, in your opinion, is that the most profitable crop that could be grown in view of the future or not?—I should say not in parts of it, but in the greater part it is.

1352. Would it be better to grow corn?—I should say it would in some places; but any one having a tree 60 years old, which would be well grown 30 or 40 years hence, ought to be shut up in a lunatic asylum if he cuts it down.

1353. Those plantations are acquiring additional value every year as they stand?—Yes; they grow at an increased rate every year, producing from time to time a larger sum every year.

1354. Do you know much about the character of the lands immediately adjacent to the forest which are in cultivation?—Yes; I know some of the lands, but only as a casual observer. I have recently let New Park, and I have recently let Burley Rails.

1355. Those two farms, which you have mentioned, have been in the hands of a very skilful agriculturist for a great number of years, have they not?—They have been left in a very moderate condition. He knew he was going, and like most tenants he took care to take out all he put in, or very nearly all.

1356. Do you know many of Mr. Morant's farms?—Merely by passing some.

1357. Are they very poor?—He is on the clay.

1358. Should you think those lands would do better to grow timber than to grow corn?—Yes, I think they would.

Lord *Henry Scott*.

1359. You said that you considered the bargain made in 1851 a bad one?—I did say so; or rather I said that I should prefer, if I were to go into an inclosure, to stand upon the Crown's rights prior to 1851 rather than its rights after 1851.

1360. But did you take the 12,000 acres, which I believe about represents the amount now inclosed, into consideration?—It was not inclosed, then I think.

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1361. But

Mr. *Clutton*.

4 June 1875.

Mr. Chaston.

4 June 1875.

Lord Henry Scott—continued.

1361. But you are speaking of the state of things now?—No, I was speaking of what it was then.

1362. I understand you to say now that your opinion is that it was a bad bargain for the Crown in 1851?—I assume that the commoners would be credited in account with the value of their interest in 5,000 acres inclosed since. My information is that there are 11,000 acres now inclosed, some under one Act, and some under another.

1363. When you consider the position of the Crown, do you take that 11,000 acres into the account?—I was discussing the question as it was in 1851, not as it is now.

1364. You do not give any opinion as to the position of the Crown?—It would take a great deal of consideration to say. I assume that the provision of the Act cannot be repealed, and I assume that in meal and malt, the Crown will get its 10,000 acres and its recurring right.

1365. I know you said you do not hold to your opinion given in 1849, when you considered that half the value of the forest was in the commoners and half in the Crown; but when you gave that opinion, was not the Crown then in possession of the deer?—Yes.

1366. Did you take that into consideration?—I did not take the forestal right sufficiently into account; I have explained twice before that I took it as the case of an ordinary lord of the manor simply, and its commoners.

1367. I did not ask as regards the forestal right, but as regards the deer?—No, I say again that I did not sufficiently consider that. I took that as a mere simple right of a lord of the manor. In truth I did not then understand the paramount right of the owner of a forest; if I had I should have made a very different valuation at the time. In fact, I had never been employed by the office before, and I knew nothing of a forest.

1368. You gave it as your opinion also, did you not, that it was not expedient for the Crown then to promote a general inclosure?—I did; and it was for the very same reason I looked upon the Crown then as the lord of the manor, with a rolling right to inclose 6,000 acres.

1369. Then you omitted any calculation as to the deer at all?—I believed that I could, if I were managing that forest, in 20 years have thrown out 6,000 acres, and taken another 6,000 acres, and so on; and I thought I could have increased the rights of an ordinary lord of the manor in that case very largely, by delaying the inclosure, but the moment I came to see what the rights of the lord of a forest were I saw distinctly that the case was altered.

1370. I suppose you did not consider that the deer were any pecuniary advantage to the Crown at all?—I suppose it might be made a very valuable property now if the deer were there; but

Lord Henry Scott—continued.

then no doubt it cost them a great deal of money; it would let for a considerable sum now with the deer.

1371. You said, as I understood you, if the allotments were made, let the Crown leave their allotment open as much as they like?—I simply said that it was not for me to indicate at present what that should be.

1372. If that course were followed, the value of the timber, which you valued at so high a sum for residential purposes, would be reduced to nothing, would it not?—A great deal of that timber which I valued has been cut, a very large quantity of it; I do not know how many hundred thousands, as I had nothing to do with the cutting, and knew nothing of it; but I do happen to know that a very large amount has been cut.

1373. But supposing that that portion was not used for residential purposes, the value of the timber which you now put so high a value upon, would be very little, would it not?—It would be worth what it was worth to cut. I say it is worth more to stand than to cut; and it does not follow that an unsound tree may not be valuable for residential purposes, though for cutting it may be almost worthless.

1374. When you describe yourself as not being in any way a Crown officer, I presume you do not mean that you are not almost continually employed by the Crown on all questions of valuation?—I am employed by the Crown, as I am by public departments and the public generally, and I should be very sorry to be under the control of the Crown or of any other single individual.

Sir Charles Dilke.

1375. I did not clearly understand what you said about Epping just now, when you referred to the Report of the Commissioners?—I said that the judgment which I saw in the "Times" from the three commissioners, Mr. Locke and two other gentlemen (who they were I do not now remember), stated that the public, as public, had no legal right upon the forest.

1376. But they went on, did they not, to say that the public had always enjoyed a practical right through the conflict between the lords and commoners?—Yes.

1377. And from other words in that Report it would appear, would it not, that those Commissioners have it in their minds to very largely consider the right which the public has so enjoyed?—I should not have read it so. I have always held that the public, *quâ* public, have no rights in a forest like the New Forest; that the Crown and the commoners together could exclude the public.

1378. As a matter of law you mean?—As a matter of law simply.

Tuesday, 8th June 1875.

MEMBERS PRESENT:

Mr. Alexander Brown.
Sir Charles Dilke.
Lord Easington.
Mr. John Stewart Hardy.
Colonel Kingscote.

Mr. Ernest Noel.
Mr. Ryder.
Lord Henry Scott.
Mr. William Henry Smith.
Mr. Cowper-Temple.

WILLIAM HENRY SMITH, Esq., IN THE CHAIR.

Mr. HENRY J. T. JENKINSON, called in; and Examined.

Sir Charles Dilke.

1379. I BELIEVE you have resided in the forest for a long time?—My father came there in the year 1852, and since then I have occupied the house in which he lived.

1380. You are a county magistrate, are you not?—Yes, and a barrister.

1381. And steward of Lord Carnarvon's manors?—Yes; where we have rights of free warren and free chase over a very considerable district.

1382. I believe you were first led to take an interest in the New Forest question on account of the destruction of the old timber?—Yes, I have been in the habit in the long vacations of making every year long excursions in the forest, and each year I found some old wood disappearing, and some new inclosures springing up, and at last I wrote a letter to the "Times," signed "Borderer."

1383. You have yourself, I believe, no common rights in the forest?—I have no common rights at all, and therefore declined joining the association.

1384. You may be taken as representing somewhat the outside public?—I have taken the line, that it is a question that somebody should take up on behalf of the public; being very well acquainted with the district, I interested myself in the matter.

1385. You not only wrote the letter in the "Times," signed "Borderer," but you also wrote a pamphlet, did you not?—Yes.

1386. You consider, I believe, that the progress of the inclosures in the forest has been very rapid during the last few years?—From the year 1851 to 1871 the inclosures must have been going on nearly at the rate of 500 acres a year.

1387. What has been the effect of those inclosures on the appearance of the more beautiful portions of the forest?—At first naturally they must be very unsightly. Afterwards, as they grow up, there is a mass of firwood, quite a block of firwood; the firwoods are doing admirably.

1388. What has been the character of the action of the Crown in regard to the nature of the land which they have taken for inclosure?—I can only speak of that as a matter of common

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Sir Charles Dilke—continued.

inference. Of course having the right to inclose what land they please, it is to be presumed that they rather select the better land than the worse. In fact, I think I may say that in my own district they certainly have selected the better land.

1389. In the parts of the forest with which you yourself are particularly acquainted they have done so?—Yes, that is the eastern part of the forest; they certainly have done so there.

1390. As an outside witness knowing the forest well, what do you think has been the effect on the value of the forest of the inclosures and plantations?—If you were to sell the forest to-morrow by auction, I should think these inclosures would be found to be a dead loss. The value of the forest consists in its open park-like character. The old timber, as Mr. Clutton said, was invaluable for residential purposes. Directly you destroy the old timber and cover it with fir plantations, you destroy the value of the property not only in a residential but also in an agricultural point of view; nobody in his senses would go and buy 500 or 600 acres of the growing fir plantations in the forest.

1391. If you take into consideration the amount of the outlay in making the inclosures, there would be very little doubt upon that point, I suppose?—I can only give my general impression upon that, I should think it would be found that taking the saleable value of the forest, if put up in lots, before inclosure, the inclosures would be found to be at the present time a dead loss; but eventually of course you will derive a considerable property as timber, which is a crop constantly increasing in value. Of course, as years go on, these plantations will become extremely valuable, and I am not at all prepared to say that, looking to the future, the policy to a certain extent, to a limited extent, is not right of covering the land, which is productive of timber, with timber. You may utilise land which otherwise would be useless, but of course timber does not pay for many many years; and now I should think the forest was at its lowest possible value.

1392. You heard the evidence of Mr. Cumberbatch on the subject of the cutting of the old woods,

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woods, did you not?—I was only here on Friday; I do not think I heard that evidence; I do not recollect his answer.

1393. Mr. Cumberbatch was cross-examined, I think, in your presence on the subject of the cutting of timber in some of the old woods which have been inclosed?—Yes, he said he had not cut wood in Knightwood Inclosure. I know that inclosure well. It is on what I believe is called the Wood-cutter's track, which runs from Stoney Cross to Brockenhurst. After leaving Bolderwood and Mark Ash, you go through quite a strip of old wood, and there is Knightwood Oak, the finest oak in the forest; and really here there is very little cut, it is quite an insignificant piece of wood.

1394. But within your recollection of the forest, you have known of picturesque and beautiful old timber being cut in connection with the inclosures?—Opposite Stoney Cross there was some of the finest old natural wood that a man could have seen. I recollect going to see that and enjoying it; and a couple of years afterwards there were all these old trees barked and lying quite white and naked on the whole plain before me. It was a painful sight to witness.

1395. Have you any idea at all of the extent to which picturesque and beautiful timber has been cut within your recollection?—I cannot say within my recollection; but I believe, within my knowledge, about 4,000 acres have been cleared, and about 5,000 acres are left. I believe that is the case in round numbers.

1396. In the case of Denny Wood, I believe you have expressed the opinion that the inclosure was illegal?—Well, the Act is rather complicated, and there are many questions which arise upon it; but it says that these inclosures are to be used as nurseries for timber. They have inclosed a very large portion of the old wood of Denny, and they very properly have not cut it; but if they were not going to cut it, I do not think they ought to have inclosed it; they might just as well have left it as it was.

1397. As I gather, you do not think it necessary to inclose in order to encourage the growth of the young natural timber?—That is quite another question; I think it would be very desirable if you were to make small inclosures for a limited time to enable the young saplings to grow up and develop themselves.

1398. You think that should be provided for in future legislation?—To a certain and limited extent, to enable the Crown, or rather to compel them, to inclose certain portions where the old timber will reproduce itself.

1399. In the case of Denny Wood, the inclosing fence on one side was driven through the old wood, and a large amount of fine timber cut for making it, was it not?—I do not know how much was cut down; but they ran the fence just inside a kind of skirting of old forest trees abutting on the open common, so that when you went through this belt of old timber, you came upon the bank and ditch, and had to go round till you found a gate.

1400. You do not remember that they cut down a good deal of old timber in making that fence?—They must have cut some. That was really inconsiderable compared to what they have done. If they had done nothing worse than that, I should not complain of them.

Sir Charles Dilke—continued.

1401. Did you hear the evidence of Mr. Cumberbatch, in cross-examination, as to the attempt of the Crown to get hold of Mark Ash?—I did. Not being one of the Commissioners for Inclosures, I cannot speak positively as to what took place; but I have always understood that the Crown did endeavour to get hold of Mark Ash; and if so, it was most unjustifiable, because the trees had much better have been left open to the public than inclosed with one of these banks and ditches.

1402. Did you hear the cross-examination of Mr. Cumberbatch upon the statement which he made in a letter many years ago, as to the necessity of pushing the Crown rights to their extreme extent, in order to decrease the value of the commoners' interest in the forest?—We have heard a great deal about that letter, in the forest. I think you must recollect that that letter was written a good many years ago, and Mr. Cumberbatch was a very young man in those days. No doubt the Crown, if that letter is to be taken as the root of their policy, had imagined that by decreasing the rights of the commoners they would increase their own rights; but they quite forgot the position which they would leave the forest in when they had done so. As I have already stated, by making all these inclosures, I think they depreciated the value of the forest, although certainly they have diminished the commoners' rights; but if they wanted a partition, they had better have said so in the first instance, and taken their rights without actually making the plantations, and received land in lieu of the land they had the right to cover with plantations.

1403. You have, I believe, a strong opinion, though not a commoner yourself, that the commoners are right in contending that the inclosures would, when thrown open, be so ruined by the network of drains that they make in their inclosures, as to be unfit for pasturage?—About the drains; it was only the other day that I went into two or three of the inclosures to satisfy myself more accurately about them. These inclosures are a perfect network of drains, and, in fact, I could hardly ride through them. Of course, if the inclosures are ever to be thrown open, and restored to the commoners and the public, they should be thrown back, in my opinion, in something like the same state in which they were taken from the commoners. The Act clearly points to the inclosed land being restored to the commoners for their rights of common, and when it is restored full of these ditches and drains, of course it is very much reduced in value in regard to common rights, as well as impracticable for people who wish to walk about the forest, who would have to keep to the drives. I do not see at all why they should not fill in these drains with faggots. Now, what they do is this; they plant the firs very closely; then they prune the firs so as to make them run up into poles, which they sell, to go to South Wales for the pits. If they put some of these faggots into these drains, and then covered them over before they were thrown open, I think they would be only doing their duty by the commoners. I do not think they have the right to take land which is available before it is taken, for common purposes, and then to restore it in a state unfit for common purposes.

1404. Mr. Howard stated to the Committee, that

Sir Charles Dilke—continued.

that the young oak plantations of the forest were in a very thriving state; is that your opinion?—I certainly should not say so; but as Mr. Clutton guarded himself on legal matters by saying that he was not a lawyer, so I must guard myself by saying that I am not a forester or a land surveyor. But, as far as my knowledge goes, it is the generally received opinion that with regard to these oak plantations, it is very questionable how far they will be a success. My own opinion is, that they require thinning to a very considerable extent, and there are many trees which might be cleared away, which I am sure will never come to any good. In many parts of the district the soil is patchy. On Mr. Drummond's estate there are three or four of the finest oaks in the district; they just lie in a little hollow; 100 yards off, oak trees will not grow, they have been obliged to clear them away and plant with conifers. In certain districts, like Mark Ash, there is a soil which produces wonderful timber. But there are many parts of the forest, where excepting in the hollows, you cannot rely upon the ground ever producing large, magnificent oak timber. You must choose your locality for oak.

1405. Mr. Cumberbatch told us the other day that a great hardship had been inflicted on the population of the forest by the passing of Professor Fawcett's Resolution by the House of Commons suspending inclosures, inasmuch as there has been a great decrease in the amount of money spent on labour; is it the case that there would have been, under the provisions of the Deer Removal Act, a permanent demand for labour on behalf of the Crown?—This is the first time that I have heard this question of labour mooted. I can only tell you that in my part of the country labour is certainly scarce. The other day I heard of a man whom we sent to Winchester for pilfering, who was engaged by one of the most respectable farmers to work for him as soon as he came out of prison; and, taking Mr. Cumberbatch's argument at its worst, if Professor Fawcett's Resolution had not been passed, these 5,000 acres would have now been inclosed, so that the labouring population are now in precisely the same position as they would have been if the 5,000 acres had been inclosed also; the money to be laid out on these inclosures is limited by the Act. The Act says, that you are to pay for the expenses of the making and preservation of these plantations by money arising from the sale of decayed and other trees other than ship-timber trees. Well, you can only employ labour to the amount of the funds you have in hand, so that I do not think there is much importance to be attached to that part of Mr. Cumberbatch's evidence.

1406. What is your view as to the future of the forest?—My hope as to the future is that it will be preserved as it is, only limiting the inclosures in the way in which I will state. I think now that you have inclosed as much land as the country can reasonably bear, you are not bound to carry these Acts out *à l'outrance*. Time is not of the essence of these Acts. I think that under the Act of William III. in 150 years they inclosed 9,600 acres. They now, I believe, have inclosed all they can hold inclosed at one time, under that Act, and about 5,000 acres under the Deer Removal Act, and I think that is quite as much as ought to be kept inclosed, regard being had to the commoners' interest, and to the open

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Sir Charles Dilke—continued.

character of the district. Unless you wish to turn the place into a dense fir wood you ought to check this power of inclosure. I do not propose to take away any right of the Crown to inclose; let the Crown keep every right that it has, and give up nothing; but pass an Act to provide that the Crown shall not inclose any more land until the amount of existing inclosures is reduced to 5,000 acres, and also provide that from and after that time, the Crown shall not keep more than 7,500 acres inclosed at one and the same time. If you do that, as much land as (regard being had to the extent of the country) the forest can bear to be held inclosed, will be kept inclosed, there is no occasion to have it all done at one time; besides it is just as well to wait and see how these plantations turn out; let them live a generation and then let a new generation succeed them, and let us see how this present system is going to work. You have a vast quantity of land in inclosure now, quite as much as the Crown can manage; I would not give up anything as a member of the public, and I would specially provide in any Act you may pass, that in the event of the forest being inclosed or partitioned (if such a misfortune should occur), then that the allotment to the Crown and the commoners should be made upon the basis of the existing Acts, as if your New Forest Preservation or Amendment Act had never been passed. I think we ought not to give up anything on behalf of the Crown and the public, in the event of an inclosure or partition.

1407. You are, as I gather, opposed both to the proposition made by the Bill three years ago for disafforesting and making a partition of the forest, and also to the scheme shadowed forth by Mr. Clutton and Mr. Howard?—Mr. Clutton seemed to propose that there should be a separation of the rights, and that Parliament should declare that after that was done the Crown should not be at liberty to inclose its own allotment; then, I say, let the matter alone; you do not want an Act to do that, the forest is already open to the public, and cannot be taken in except by Act of Parliament. But I say extend the time for making these inclosures; throw them over a longer period; defer the exercise of the existing powers. Another thing which struck me very much in Mr. Clutton's evidence was that he stated that wherever a partition had been made, the commoners' lands had been, sooner or later, inclosed; so that if I am to suppose that what has taken place in other forests is to take place in this forest, whatever allotment went to the commoners would infallibly be inclosed; and as to what Mr. Clutton said at this table, I prefer to refer you to Mr. Howard's Bill of 1871, which I think is more probably an exposition of Mr. Howard's views than what Mr. Clutton said on Friday. In the 46th section of the Bill (which has got Mr. Baxter and Mr. Gladstone's names on the back of it), I read "the forest shall be disafforested, and the Crown allotment shall be held by Her Majesty, her heirs and successors, as part of the possessions and land revenues of the Crown, not being part of any Royal forest, park, or chase, and absolutely freed and discharged from all rights of common." That, of course, means that it is to be the private estate of the Crown. Then in respect of the commoners' allotments, at Section 64 you will find that the Bill provides for the making of certain bye-laws in respect of the

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commoners' allotment, the fifth of which enables the board of commoners to admit or exclude persons other than commoners' from the commoners' allotment. So that this Bill gives the share of the Crown to the Crown as its private estate, and the share of the commoners to the commoners to do what they please with, but with the express power of excluding the public from it.

1408. Mr. Clutton, when asked his opinion on those points, repeatedly said that he looked at this matter as an outsider, and that he considered himself a perfectly independent witness; do you think that considering Mr. Clutton's position he can be looked upon as altogether an independent witness?—Well, Mr. Clutton's evidence as to the management of the forest in reference to timber was, I consider, most true and valuable; but when he came to state what you were to do with the forest, I simply looked upon his evidence as the echo of the opinions which are held in Whitehall-place; he comes from Whitehall-place; he is receiver to the Crown; he is mixed up with the Office of Woods and Forests, and with the Ecclesiastical Commissioners, and so on; and although he has the highest character, yet he cannot help being influenced by the opinions of the authorities in Whitehall-place; and of course to a certain extent he is bound to support those views.

1409. With regard to Mr. Watson's evidence given before the Committee on the first day on which it met, in which he went into the history of the New Forest question from the time of Domesday Book, and read us an immense amount of forest law, and long quotations from the *Manwode*, I suppose your opinion would hardly be that those have a very important bearing on the present condition of affairs in the New Forest?—The only thing that surprised me was, that the Committee did not stop him.

1410. That of course is a question for the Committee; but your view, I suppose, is that we ought not to go back very far before the present century?—No; I consider the Act of William the Third the root of the modern title to the forest for all practical purposes, both of the Crown and of the commoners, and also of the public; there is a very remarkable expression in that Act; these words occur in it, "And to the end said forest and premises may be perpetually estated and preserved in the Crown for public use as aforesaid." That was the views in which the forest was regarded in 1698; the effect of that Act, I think, has hardly been sufficiently considered; a great mischief had arisen in the wars of the Commonwealth and the stewards by the destruction of the old timber; it was absolutely necessary to restore the forest as a nursery for naval timber; and so that Act was passed. That Act took away rights from commoners, for which it gave them no equivalent or compensation whatever; it was passed for a public benefit; and so now, on the same principle as that on which that Act was passed, now that these inclosures have, as I think (and there is a very strong feeling out of doors to the same effect), gone far to destroy the beauty and natural character of the forest, I think that we may fairly expect Parliament, on public grounds, to limit, or extend over a longer period, the exercise of these powers of the Crown, and to prevent the destruction of a property which is estated in the Crown for the public use.

Sir Charles Dilke—continued.

1411. With regard to the claim of extreme Crown rights, which was partially set up by Mr. Watson, and afterwards repeated by other witnesses, as for instance, with regard to the right of shooting over property within the outer boundary of the forest, have you any view upon that question?—I cannot imagine who could have been so injudicious as to have advised the Crown to set up a claim of this kind, which they could not carry out under any circumstances whatever, and which they have never exercised.

1412. In the case of Lord Carnarvon's manors, may I ask, have you certain rights that you have never exercised?—We have rights of free warren and free chase, and I believe we have rights of turning out wolves and wild boars; but these shooting rights have always been exercised with extreme moderation. Lord Carnarvon has always exercised these rights with such moderation (I speak from traditions connected with the property), that when the right was contested by the late Mr. Villebois, and a verdict was given in Lord Carnarvon's favour, the feeling of the county side was altogether in favour of Lord Carnarvon. The right is, in fact, exercised with such extreme moderation that it is no annoyance to anybody, I believe; and though, no doubt, we might make every man's property a nuisance to him if we chose to exert our extreme rights, really the possession of these rights hardly interferes with the enjoyment of property at all. At present we do not give any deputations, because it is open to the copyholders to enfranchise now, and Lord Carnarvon sells these rights at a very moderate price; and as the bulk of the copyholders have purchased these rights, we say you have only now to enfranchise.

1413. In respect of which manors are you speaking?—Up in the north of the county, Highclere and Ecchinswell and others. I do not see why the Crown, having extreme rights of inclosure, are bound to exercise these rights to their full extent. You expect some consideration. If a nobleman can show some consideration to his copyholders, why cannot the Crown show some consideration to the commoners? It is only consistent with the dignity of the Crown to do so. You do not expect the Crown to act just as if it wanted to lay its finger upon every little thing it could grasp.

1414. With regard to the existing rights of the Crown, I suppose you would not consider that Mr. Watson's opinion was to be taken as conclusive as to what they are?—I hope you will not take my opinion as conclusive, or Mr. Watson's opinion, or anybody's opinion, as conclusive. There are a great many questions which arise upon this New Forest question, which ought to be determined, if there is any occasion to determine them at all (which I submit there will not be, if the recommendation of the Committee should be that the forest is to remain in its present state); but if you want to deal with the forest, either by way of partition or by way of inclosure, I as one of the public should not be satisfied that the Crown's rights should be arranged by some private compromise between Mr. Clutton and the commoners. As long as the forest is open the interests of the commoners and the public are identical. The moment you come to inclose or partition, then on behalf of the public I claim for the Crown and myself as a taxpayer, every acre to which the Crown is legally

Sir Charles Dilke—continued.

legally entitled, and I should not be satisfied, and I do not think that the outside public would be satisfied, that these claims should be determined by the *ipse dixit* of Mr. Gardiner, or of Mr. Watson, or by anything I may have written or stated. It is a case to be argued before, and decided by, a competent legal tribunal, just like the Epping Forest case before the Master of the Rolls. It is a case to be decided by a judge, and by nobody else.

1415. There is only one other question I wish to ask you, and that concerns the roads in the New Forest. You probably have heard the evidence of Mr. Cumberbatch on that point?—No.

1416. At all events, you probably heard the grievances of the commoners stated with regard to the roads of the forest, and the conduct of the Crown with respect to them; and I should like to know if you think that is a grievance?—If you mean the stopping of roads across the open space, I cannot say anything about that, because I rarely drive; and Mr. Cumberbatch has been good enough to give me a key, and I can generally get about where I like by making a little detour. But what I do want to draw the attention of the Committee to is the state of the public roads in the forest. Now these roads are not maintained by the Crown, nor are they maintained by the parishes. On the road between Fawley and Beaulieu, a culvert fell in, and there was a hole in the road, and I was told that it was dangerous; a horse of mine nearly put his foot into it one day; they stopped it up with a furze bush; the road surveyor wanted me to subscribe towards repairing it; I said, "First go and ask Mr. Cumberbatch whether he will subscribe towards repairing it." He asked Mr. Cumberbatch, and Mr. Cumberbatch positively refused to give anything towards it. I really think that some arrangements should be made, or the Committee might make some recommendation that something should be done in keeping the carriage roads and cart roads over that vast district in order. The Crown sell timber and have to move it; but I believe they do not pay anything towards maintaining these roads; they give you gravel, but then they work it with their own people; they will not allow you to send your own men in to take it; they make you a present of that which is alongside the roads. The roads are getting into a dreadful state, and they ought either to be divided amongst the parishes on some system or another, or else some steps should be taken to keep them in repair; and it has occurred to me that one way would be to allot the roads rateably among the parishes by some scheme to be arranged by the guardians, and to be approved of at quarter sessions, and that the Crown should contribute by paying so much for every load of timber and material and poles which they carry over these roads. I do not think the Crown has any right to use these roads, unless they help to keep them in order; and if they refuse to keep them in order, it is time some arrangement should be made.

Colonel Kingscote.

1417. You know the Deer Removal Act well?—Yes.

1418. And do you think, taking into consideration the law laid down there, that the Crown officials, that is the Woods and Forests, have ex-
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Colonel Kingscote—continued.

ceded their rights in any way?—No, they have not exceeded their rights; they are justified in anything they have done, legally; but when you see that under the Act of William the Third, they only inclosed 9,600 acres in a century and a half you could hardly expect them, under a similar Act passed in 1851, to inclose 12,000 acres in 20 years.

1419. Then you fling the blame upon the Act itself, more than upon the Woods and Forests, and the way they have carried it out?—Well, I think they were not bound to do it; there was no obligation. They call themselves trustees; but they are no more trustees than I am; they are paid officials; and when they found it was raising discontent on all sides, amongst commoners and public, I think they might have held their hand a little.

1420. You are aware that they have not inclosed as much land as they were entitled to?—Yes, but that is thanks to Professor Fawcett; no thanks to them.

Mr. Alexander Brown.

1421. I did not quite understand what you said, when you spoke about the 4,000 acres that ought not, in your opinion, to have been cut; I presume you meant the Committee to understand that it was fine old ornamental timber?—I mean that you might have left a good deal of it, and not made a clean sweep of it. You might have cut here and there, but there was no occasion for the utter destruction which, in my opinion, very much reduced the value of the property.

1422. And again, when you spoke about these drains through the inclosures, I did not quite understand why these drains interfere so much with the cattle when the inclosures are thrown open?—Just imagine that there was a drain all round this room, and so on, *ad infinitum*; it is not the way in which you generally throw out land that has been drained. I do not see why the forest should not cover in their drains with faggots; they have the materials at hand, and they might cover them in just like you drain a gentleman's park.

1423. Are these drains deep ditches of a serious character?—They are about a couple or three feet deep.

Sir Charles Dilke.

1424. There are also main drains much deeper?—Those drains are different things; they go down the centre, and you have hunting bridges over them.

Mr. Alexander Brown.

1425. Your idea was throwing faggots to fill up these ditches; would not this make them rather rotten?—I believe it is not at all an unusual process to use faggots in that way. I cannot speak of my own personal knowledge; but I mentioned it to a gentleman conversant with these matters, and he told me that he saw no reason why that process should not be carried out.

1426. You speak, as one of the public, in favour of the preservation of this forest as an open space?—Yes. Here we have a forest which has come down to us from the days of the Conquest, and I do think it is a great mistake to sacrifice that forest to the action of a Department in Whitehall-place, as we should do, judging from the action they have taken in the last quarter of a century. I think we should be very precipitate to permit the destruction of what we never could recover.

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recover. Probably you would not purchase the forest, if it were in the market, for the public; but having got it, you should keep it, in the same way as many people would not buy family diamonds; but having got them, nothing would induce them to part with them. Having got it as an heirloom we should keep it as such, and pass it on to those who come afterwards.

1427. That is quite a distinct point from the right of the Crown and the commoner?—I do not come forward as a commoner's witness, but I come forward hoping to prevent this mangling and dismemberment of the forest, and to stop the system of inclosure, which I think is destructive of the open character of the country, and has gone far enough already.

1428. Do I rightly understand that the inclosures being a little bit of good land and a little bit of bad, therefore to plant large blocks of land with oak would be a failure?—I dare say there are very considerable tracts which would carry oak; but the soil varies. On the open heath ground, of course you could not plant oak; but fir will grow there. In the sheltered districts where there is a fairish amount of soil, oak will grow very well where it is protected in the hollows. But, in fact, the only way is that you must judge by experience; and Mr. Cumberbatch I should think by this time must know very well where oak will grow and where it will not; and I think we may quite trust him with his knowledge of the forest not to plant oak where it would not grow. I only hope he will clear it away where it is doing no good.

1429. Do you think that putting up fences round some of the old wood for the purpose of having self-sown trees, would be a success?—I should try it in a few places.

1430. You think that it would be worth while making the experiment?—Yes, I think it would be worth while making the experiment; you have had the experiment *quantum valeat* now going on in Denny Wood.

Mr. Kyder.

1431. In your pamphlet one of your recommendations was, that the forest should be used as a military training ground; is there not a practical objection to that in the forest fly?—I have never found any of my horses mind it much; but I dare say if you had got a number of horses together, some would excite the others, and they might get a little unruly; I have only found horses a little fidgetted by it, that is all. That is a question which might be tried experimentally. If you sent two or three squadrons and told them to bivouack for a fortnight in the forest they would very soon find how far the forest flies are really mischievous, and how soon the horses got over it.

Mr. John Stewart Hardy.

1432. The Crown has under the Act of 1851, still the right of inclosing about 5,000 acres more, has it not?—Yes.

1433. With your knowledge of the forest, should you see any objection to their being allowed to make that inclosure, provided they take in land from the barren part of the heath and plant fir trees, and cease to take the good land?—I think they have got quite enough to do to look after the plantations that they have.

1434. You say that you do not wish to deprive the Crown of any right they possess; but you do deprive them of a right they possess, if you de-

Mr. John Stewart Hardy—continued.

prive them of the right of inclosing that 5,000 acres?—I would say to the Crown, "You shall lose no absolute right; but you have exercised your powers *à l'outrance*, and you must hold your hand for a time." The Act of William the Third took away rights from the commoners in 1698 with no compensation, and so now I think we have a fair right to take away the right from the Crown.

1435. You do take away a right which they now possess?—I deprive them of a power which they can exercise, or rather I postpone, extend and defer the full exercise of their powers, and I think it is in the public interest that this should be done.

1436. Do you think, from your knowledge of the forest, that there would be an objection to their taking in the rest of the inclosures in the open heath and barren places, and planting them with furs?—We are over done with inclosures already.

1437. I suppose if it were done in the barren places there would be no objection from the commoners, and no objection that it was destroying the picturesque character of the forest?—As a commoners' question, the commoners would object to it most strongly, because the cattle do not go in the wood except for shade; the grass is sour under the trees.

1438. Of course there is no grass under fir trees?—No; but there is under oak. At Beaulieu Heath and Lymington Heath there are lots of cattle turned out. You saw them, no doubt, when you were in the forest, and you did not see any in the wood.

1439. I saw them under the oak trees quite as much as in the open heath?—I always think that they take to the open.

1440. You think that it would be objectionable to let them plant even the open heaths?—I should think they had better not; and I really question whether it would pay them to do it. Putting the benefit that they would derive from planting the open heath as against the expense of inclosing, I do not believe that it is worth their while to do it.

1441. You do not think that that they ought to be allowed to do it, as I understand you?—Practically they had better leave it alone as a financial question; and I think they have inclosed quite enough already.

Mr. Ernest Noel.

1442. Practically you think that the Crown ought to give up the right to plant 8,500 acres?—May I ask how do you make the 8,500?

1443. Because you say they have under the Acts of Parliament the right to inclose 16,000 acres?—Yes.

1444. And you said there should be no more inclosures till the amount inclosed was reduced to 7,500 acres?—Yes.

1445. Therefore they would practically lose the right of planting 8,200 acres, in which case they would have received only 1,500 acres for the rights they gave up of deer?—You see they have already got 11,000 acres under inclosure; there is 8,000 acres under woods which have been thrown open; there is 5,000 acres of old timber, that leaves about 5,000 acres of good land; the rest of the land is supposed, if I may take Mr. Clutton as an authority, to be worthless for planting or agriculture. If you are to take in another

Mr. Ernest Noel—continued.

another 5,000 acres you absorb all the best land there is, and you leave nothing for the commoners but the barren heaths.

1446. That may be the case, but the Crown had that right granted to it in 1851?—Yes.

1447. And therefore you do advocate that the Crown should give up that right as injurious to the commoners and to the public?—On the same principle as the Act of 1698 was passed which authorised the Crown to take in land giving no equivalent (the commoners received nothing for it; they lost everything, and got nothing), so now I think it is only fair that when you see how this Deer Removal Act is working, you should interpose again, and say to the Crown, "You have gone far enough; we do not want to have this New Forest destroyed, simply because we passed that Deer Removal Act."

1448. You also said in your evidence that you objected to the inclosure that had been made of Denny Wood, though that inclosure had not been cut down; you said that it interfered with the use of that wood by the public?—Yes, for example, if you inclose a wood you have withdrawn that wood from the open forest by the inclosure.

1449. But now, how do you propose that those parts of the forest where there are old trees should be resown, if you are not to inclose them; because we have it in evidence that, unless there was a fresh growth of timber in such woods as Mark Ash, in the course of 50, or say 100 years at most, the great majority of those trees would have fallen; if you do not inclose as has been done in Denny Wood, to allow young trees to grow up, how do you propose for these portions of the old forest to be kept supplied with wood, even for picturesque purposes?—In the first place, I entertain great hopes as to the future condition of the plantations on those good acres which have been thrown open, when you have thinned them, and given light and air to the more promising trees, and acted in the way suggested in Lord Henry Scott's evidence before the Lords' Committee (in which he says he proposes not to clear the forest, but to have a certain clearance, to treat it as you would park land). These trees will thus develop themselves, but if you have them all close together, they have no room to expand. Trees develop themselves very rapidly when you give them room; and I think you may hope that the greater part of those 8,000 acres, or at least a good part of those 8,000 acres, may come on into forest land, and so in the case of these new plantations.

1450. Still you have not answered the question how Mark Ash Wood is to be replenished with trees if you object to its being inclosed, in the interest of the public, or how other woods like it are to be replenished?—You must recollect that those are growths of ages. Now, I have already stated that it might be very desirable, as an experiment, by making small inclosures of the old forest, to see whether the old wood renovates itself or not; but if you want to have the real forest restored, of course you must hold inclosed the land which is the most available for the growth of forest timber, and keep it inclosed till the trees are established, and then thin judiciously; and so you will renovate the forest. But you have got 10,000 acres already inclosed to work upon. If we only get a half of that turned into forest at any time for our successors, a very great result will have been accomplished; 0.100.

Mr. Ernest Noel—continued.

and I do not think that it is desirable to inclose these heath lands, because you never get good timber on them.

1451. You think that a division between the Crown's and the commoners' rights would be injurious to the interests of the general public by limiting the amount of the open ground, over which the general public can now wander?—I consider it would be injurious in this way; I hope we may preserve the forest as it is in its integrity, in its unity, and unsevered. If you are to preserve the forest at all, it must be preserved as it is, under the existing state of things which has grown up, and is well established. The present system between the Crown and the commoners is the growth of ages. The only thing you have got to do is to limit the Crown's right of inclosure, and then you remove the grievance of the commoners, and you keep the country open to the general public; but if you once give a share to the Crown and a share to the commoners, assuredly (you have only got to look at Mr. Howard's Bill to see this, and common sense teaches you the same thing), the forest will be converted sooner or later into private property, it will pass into private hands, and the public will be excluded. I wish to say one or two words about Mr. Clutton's evidence. Mr. Clutton brought forward the precedents of many forests which have been disafforested, and he gave you certain particulars about them. Now, the New Forest, I fancy, has as many thousands of acres as those little bits of forest had hundreds, or more; and although a rule may apply very well to a small extent of 5,000 acres, it by no means follows that it is to be extended to a property of 63,000 acres. I think one of the great reasons why the forest should be preserved is on account of its vastness, and because of its being unique, and the only thing of the kind that we have in this country.

1452. And, therefore, you would not be satisfied if a certain portion was preserved by Act of Parliament as public land, if another portion was taken into the private hands of the commoners?—We see distinctly in that Bill which Mr. Howard brought into the House, what his views are.

1453. I do not mean to ask you as to Mr. Howard's views; I say, would you, as part of the general public, be satisfied if a considerable portion of the forest were under Act of Parliament preserved to the public as open forest, the other portions being given up either for inclosure, or to satisfy the commoners' rights?—I think if you once begin to inclose any part, and let it pass into private hands, the whole thing will tumble to pieces. You must keep it as it is in its integrity. I am satisfied that if you make any allotment, either to the Crown or to the commoners, it is only a question of time when the forest will be inclosed.

Mr. John Stewart Hardy.

1454. Mr. Noel, as I understand him means, supposing this Committee recommend that a portion, say 4,000 or 5,000 acres should be handed over to the public not to have any Crown rights or common rights, and the remainder be divided between the Crown and the commoners, would that meet your view?—No, because we have a public park of 63,000 acres already; and I am not at all prepared to accept the compromise of 5,000 for 63,000 acres.

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1455. Do

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1455. Do you consider the fact that all the other Royal forests in England have been destroyed and cease to exist as open ground, a reason for applying the same practice, to New Forest; or do you rather think we ought to change the practice and preserve the only forest that is left?—I think that we ought most undoubtedly to preserve the New Forest as the only forest which we have left; and if we preserve it all to preserve it in its integrity.

1456. If the *toties quoties* power, that of inclosing the 16,000 acres all over the forest, as claimed by the Crown, were fully exercised, would that ultimately destroy the character which gives its chief value to the forest?—In the first place my proposal is that you should limit the Crown's power of inclosing, so as not to interfere with the open character of the forest and the enjoyment of the forest by the public. But there is a question as to the real existence of this *toties quoties* power, which, if it must be decided at all, ought to be decided by a legal tribunal; but my own view of the Act is that there is not the slightest doubt that they intended to give the power *toties quoties*, but that in the clause in which they intended to give it, they have not done so. If you take the Act with the preamble, as a whole, it gives the *toties quoties*; but if you read that clause which gives this right, it only extends to inclosing twice; and what is more, the practical effect of it, whether it is *toties quoties* or twice, is immaterial, because when you have once inclosed all the land that is worth inclosing, you will only go and waste money by inclosing worthless land, as you would do, if the *toties quoties* power were ever fully exercised. It would never come, therefore, to a practical question. It may be a case for compensation if you come to partition or for inclosure; but as long as the forest remains as it is, it is needless to determine the question, at least for the next century and a half.

1457. As to the effect of the exercise of that power, supposing it is given by the Act, would not the exercise of that power directly destroy all the rights of the commoners by depriving them of all the open lands; and would it not deprive the public of the advantages that they at present have upon the open spaces of the forest?—You must recollect that even if the power was exercised, they throw open as much as they inclose; so that they never could, even if they exercised it to the fullest extent, hold more than 16,000 acres inclosed at one time. So that if you had 16,000 acres taken from you by one hand, you would have 16,000 acres given back to you by the other hand; and if it was given back in a forestal, park-like, shape of use to the commoners and available to the public, like a park and not like a shooting closely-planted covert, why then really the mischief would not be so great as it would appear in the way in which the question is put to me.

1458. And has the practice of the department been to leave the woods which are thrown out, and the fences of which are removed, in such a state as to give grass or good pasture to the cattle, and to leave in them any open spaces?—As far as I know of the inclosures that have been thrown open in my own district, which are very few, I am told that the cattle do not go there at all, that they prefer the open. And then people complain of these ditches, as interfering with the

Mr. Cowper-Temple—continued.

pasturage. The cattle cannot get about in these woods owing to the perfect network of ditches. It is quite necessary to have these ditches to drain the ground before the planting.

1459. Do you consider that the forest in its present state is of value to the public as a place of recreation?—I think it is only just beginning to be appreciated; and if you consider what it will be in another generation or two, when the South of England will be built on and turned into villa residences and that kind of thing (which undoubtedly it is fast coming to), there is no doubt that the value of the forest then will be incalculable.

1460. And do you think that if each great town in succession is obliged to spend money in buying a park for its inhabitants, the nation had better preserve the one national park they have, rather than turn it into money?—The small amount we should receive in the shape of money, I mean looking at it as a nation, would be no compensation whatever for the loss. I can hardly imagine if the forest belonged to a great nobleman, one of our wealthy noblemen, that he would sell it; I think he would hold it, just in the same way as Mr. Clutton said many landowners keep open several thousand acres of open land.

1461. You mean that half of the forest is practically of no value as regards the soil, and the other half is covered with timber?—Not quite that. With regard to one-half of the forest, the heaths, the cattle do feed there, and wherever there is a little watercourse there is more grass, and a good many cattle manage to pick up a livelihood in the forest, and the heath is valuable in this way, yet I do not think it is valuable for timber purposes; and as to the other half of what is good, I should think there must be over 5,000 acres which is not planted now.

1462. When you spoke of their inclosing many of the ancient woods as it is desirable to keep for their picturesque beauty, did you consider that by the exclusion of cattle, there might arise a tangled mass of undergrowth and underwood, which would practically stifle the trees which you would hope would spring up?—I hope I have not made myself misunderstood there. I think before you inclosed any of the old woods to any extent you should just make an experiment on a very small scale in two or three places, so as to see whether it would answer, or whether it would not; and as for the undergrowth, it could easily be cleared away if you had it on a small scale. These inclosures ought to be carefully watched as an experiment, and you would see what the result would be.

1463. Are there not portions of the forest in which the soil is suitable, where trees spring up very freely in the waste without inclosure?—Round the fir plantations, the firs spring up very frequently, but I believe they are mainly planted by birds.

1464. Is not the main cause of the destruction of the saplings, the habit of cutting fern, and at the same time cutting away the young saplings?—That I cannot speak to from my own knowledge.

1465. Did you mean to convey to the Committee that the right claimed by the Crown to shoot over lands belonging to private owners, had been exercised without moderation?—To my knowledge I never heard of the Crown shooting over these lands at all.

1466. Then

Mr. *Couper-Temple*—continued.

1466. Then that right has not been exercised immoderately?—It has never been exercised at all, that I know. The Crown claims the right of shooting within the margin of the real forest, but as to what they call within the regard of the forest, I have never heard yet of the Crown exercising shooting rights there.

1467. Are you aware that it was stated by Mr. Cumberbatch that he merely went over the lands of Sir Edward Hulse as a matter of form, in order to maintain the right of shooting?—I know nothing about this; I know that in the Bishop's Ditch, which belongs to Mr. Drummond, the Crown claims a concurrent right of shooting with Mr. Drummond over it; but if they exercise it at all, they never exercise it so as to cause any annoyance.

Lord *Henry Scott*.

1468. Mr. Cumberbatch told us last time that he found the people in the neighbourhood of Beaulieu and Brocenhurst more troublesome than those people in any other part of the forest, from their turning their cattle into the inclosures in that district; I believe you are pretty well acquainted, are you not, with the people in that part of the forest; you live there?—Yes, I live about six or seven miles from Beaulieu, and I know the Beaulieu and Lymington Heath very well.

1469. Do you think that a well-founded charge which he made against the people in that neighbourhood?—I do not know; but I have remarked that there are more cattle turned out on the heath between Beaulieu and Lymington than on any other heath that I know in the forest. It seems to be very much used.

1470. I was speaking of the inclosures; have you noticed any cattle, for instance, in Wood Fildley?—To my knowledge, I have never seen any at all.

1471. Ponies you may have seen?—I cannot call to my memory seeing any. Of course, if people leave gates open, ponies will go in; but I very much question whether it is the habit of people to turn them in deliberately; I should think they would not on account of the ditches.

1472. With regard to what you would propose with respect to the inclosures being limited, I suppose that when you propose that the Crown should be restricted to keeping 7,500 acres inclosed, you do not mean to imply that they should not have the right to plant 7,500 acres again, on the land they had already got covered with timber?—The reason why I fixed 7,500 acres was because I have seen the effect of planting 10,000 acres; and you must imagine that those plantations will be woodland for many many years to come, and that you will have quite enough timber when you have inclosed another 7,500 acres; almost all the timber-producing country will then be covered with timber, and then as you fell so you will inclose.

1473. Then you meant that they should have a constant recurring right to plant and replant over the 20,000 acres that are covered with wood, exclusive, I mean, of the old wood?—I named that figure as being, on a reasonable consideration, about as much as would enable the Crown to develop the timber-producing qualities of the forest to the uttermost.

1474. Then they would always have, in fact, 20,000 acres, upon which they would have a recurring power of keeping inclosed, according to 0.100.

Lord *Henry Scott*—continued.

your rule, 7,500 acres; that would be the effect, would it not; they would have, in fact, 20,000 acres, with a recurring power to plant over 7,500 acres of that at a time?—They would have the right of keeping inclosed 7,500 acres of plantations wherever they pleased, either on land which had previously been old forest, but where the timber had disappeared and become decayed, or upon plantations that had been cut and cleared, or upon open land. They would be without restrictions as to where they would go, except that they would not cut ornamental timber till such time as the wood had actually decayed and disappeared; for instance, if Mark Ash is to disappear, I presume it will be replanted with something.

1475. I understood you to say that you did not so much contest the Crown's right to plant, according to the Act, as the manner in which they have exercised their right?—The Crown has, no doubt, been kept within its powers; the powers of the Crown are very great, and I think the Crown need not have exercised these powers *à l'outrance* in the way which they have done; I think they might have shown a little more consideration for the commoners, by not proceeding with their inclosures so very rapidly.

1476. For instance, with regard to the Hawk-hill inclosure, that one would have been a very grievous injury, if it had been carried out to the full, to all the districts which you are acquainted with, would it not?—To include Frome Wood from Pinnerley to Lady Cross would be a most grievous injury to the neighbourhood. It would be a most cruel destruction of woods, which will last for years and years, and which, I should think, there is no present necessity for cutting. It would be a most cruel act to take that in.

1477. And it would have injured the commoners very much in that district?—There are lots of cattle about there; that is the old forest; the other inclosures below, I am satisfied, have very much interfered with the people at Beaulieu Rills.

1478. It is much complained of, is it not?—I do not know; there are a great many people who live on the edge of the forest, who want to turn their cattle out.

1479. With regard to the track ways through the forest, that inclosure would have included the track way than runs from Pennerly Gate to Lady Cross Lodge, would it not?—Yes; but, I suppose, there must have been a drive and gate, because it is a track way that is so constantly used; it is one of the most used tracks in the forest.

1480. You will see on the map that it is all included in the blue line?—I presume there would be a gate and a drive, to get from Pennerly to Lady Cross.

1481. You know the Crown claims the rights to lock the gate?—But Mr. Cumberbatch gives you a key.

1482. He may give you and me a key, but the general public have not a key?—They can get through by the side gates on horseback.

1483. That is a driving road, is it not?—I should be very sorry to drive my carriage along that road; it is a very bad road.

Lord *Eslington*.

1484. You have told us that 4,000 acres of old wood have been cleared; could you tell us what period of years those clearances extend; were all those 4,000 acres cleared in your

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own recollection?—Of course I cannot recollect when all these woods were cleared, but my impression is (I cannot speak with certainty to it) that these 4,000 acres have been cleared since the year 1851. If I can find the place in my pamphlet I can satisfy myself on the matter, because I was very careful in the facts which I stated there.

1485. But would you not state with some reservation, that 4,000 acres of old wood had been cleared since 1851; are you quite sure of that?—I say that my impression is that it is so; but, of course, if you wanted to know the exact acreage of clearances, Mr. Cumberbatch or Mr. Howard could give you the precise information. My impression is that you will not find that I am very far wrong in my figures; but if I am, of course anybody may make a mistake. If you wish the exact amount, no doubt Mr. Cumberbatch or Mr. Howard could supply it.

1486. Now, we have had it stated, upon very high authority in this room, that if you cut down one old tree its neighbour dies. Is it consistent with your knowledge and experience of the forest, that such is the case?—Well, I know Mr. Clutton is a very great authority; but his statement seems to come to this, that if you cut down one tree you destroy the forest; it is only a question of time. It carries its own refutation.

1487. But this is rather an important matter, because we are told that in dealing with an old wood if you cut down a portion of it, it so affects the neighbouring portion that it is better to cut the whole down; are we to accept that?—All I can tell you is, that I have seen trees blown down, one or two in Mark Ash, and yet the others seem likely to last till they rot to pieces. Of course what holds as to blowing down would hold as to cutting down, and I really think that Mr. Clutton must have a little overstated the effect of cutting a single tree down; in fact, it carries its own refutation.

1488. You have several times in the course of your evidence used the phrase that your objection to the policy of the Commissioners of Woods is, that they have exercised the rights conferred on the Crown by the Act of 1851 "*à l'outrance*." I want to know exactly what you mean by that phrase?—I mean this: when the Deer Removal Act was passed, the commoners of course looked to the old Act of 1698, which was in all respects a similar Act; they find that in 150 years the Crown have inclosed 9,600 acres, the power being to inclose 6,000 acres at a time.

1489. Under the Act of William, you mean?—Under the Act of William. That was the result of their experience of a century and a half. Now their experience of 20 years has been that they have inclosed 10,000 acres in 20 years.

1490. Then I understand your objection to the policy of the Commissioners is, that they have exercised those rights too rapidly; if they had spread them over a longer period of time, and planted slower, you would have been satisfied?—If they had spread them over a longer period of time, and planted slower, I should have been satisfied, and we should not have had this Committee sitting here now.

1491. Do I rightly understand you to mean by that, that such a course would have enabled the earlier plantations to get up beyond the reach of cattle long before they had exhausted the power over the 10,000 acres, so that portions

Lord *Eslington*—continued.

would have been coming back for the use of commoners?—Yes. In the first place the commoners would have had more open ground by not so much being taken in. In the next place, if the inclosures had been made at longer intervals, the earlier inclosures would be ready to be thrown open before the whole extent which the Acts authorise you to inclose had been taken in, so that what you took in would have been replaced, so to speak. You heard no complaints of the operations of the Act of Will. 3, because the Act was carried out so very leisurely, and thrown over such a long period of time; and if this Act had been carried out in the same way, you would have heard no complaints, and this Committee would not have been sitting here now.

1492. Does your observation and knowledge of the forest induce you to think that an inclosure thrown open is of much value for pasturage for some years after it is thrown open?—When it is first thrown open it is of very little value; but of course you must thin the trees from time to time, and as the trees are thinned, and the forest character is restored to the inclosure, of course more light gets in, more sun gets in, and the grass must improve by degrees, but it is some time before that comes to pass.

1493. You are now, I presume, speaking of oak inclosures?—Yes, of oak inclosures.

1494. Do you know Norley inclosure?—I have not the slightest doubt that I know it; but I do not know the names of all the inclosures which I have gone through.

1495. It is almost at the extreme end of Beau-lieu Heath going towards Lymington. I allude to it because it is one of the oldest fir inclosures thrown open?—I cannot speak to that sufficiently.

1496. You have given us important evidence from a public point of view. Supposing that Mr. Clutton's great scheme of partition is carried into effect, should you, as one of the public, be prepared to put in your claim in respect of your public user for consideration under such a scheme as that?—I object to Mr. Clutton's scheme *in toto*. Every member of the British public cannot go and put in a claim, supposing the forest was to be partitioned by the award of the Commissioners, and say, "I have been in the habit of going here; will you give me so much for that right?" Of course you could not do that; but I look to Parliament to protect the general interest of the public, and looking at what the New Forest is, and its associations, and the value it will become to succeeding generations, I hope Parliament will protect us from Mr. Clutton, and from the office in Whitehall-place.

1497. You, as one of the public, would be a great loser in the event of a partition, would you not?—What I mean is this, that if you leave the thing as it is, simply limiting the rights of the Crown, so that it shall not make excessive inclosures, the forest which has lasted 800 years may last another 800 years; but if you put the thin end of the wedge in, and give either the Crown or the commoners' allotments for their rights, this must, directly or indirectly, produce a partition or inclosure, and the doom of the forest is sealed. It must remain as it is (I am satisfied on that point), for if you once let the thin end of the wedge in, I am quite satisfied that it is only a question of time when the

Lord *Eslington*—continued.

the forest will be lost. And I say that it is of increasing value to the public, because as the population increases, and as the forest gets more known (very few people have known about the forest till recently), it gets more valued, and we ought to prize it as much as we do the pictures in the National Gallery.

1498. I will now ask you a question in reference to this arbitrary exercise of the power of inclosure?—I do not call it arbitrary; it is perfectly justifiable and perfectly legal.

1499. You used the phrase *à l'outrance* in that sense?—Yes; the Crown had the power, but there was no obligation to push it to the extreme, which they have done. They were perfectly justified in doing it, but they would have acted more judiciously, and I think with better taste, if they had not pressed the Act on in the way they have done and made a personal question of it.

1500. Does not that complaint, which you make against the exercise by the Commissioners of Woods of their rights of inclosure, also imply censure upon the Commissioners with whose consent, and with whose consent only, they can set out and plant these inclosures?—I think the Commissioners ought to have spoken sooner; and to a certain extent what has happened is very much the consequence of our own laches for not having moved in the question sooner. When we saw these old woods going we ought at once to have protested, and then probably that protest would have been attended to.

1501. Who do you mean by “we”?—The public. Notice ought to have been taken of it in the public press, and the Commissioners might, I think, have protected us a little more than they did at first. Latterly they have been as anxious to preserve the old wood and timber as the public; but in the early part of the inclosures I apprehend the Crown did exactly what it pleased practically. I do not know how it was arranged, but that was the practical effect; but of late years it has not been so, as I have been given to understand.

1502. But judging from your knowledge, and the knowledge which we all have of the constitution of that Commission, do you not conceive that if the Commissioners felt it to be part of their public duty to interpose, and to regulate the exercise of these rights of inclosure, they could prevail?—You see they have recently protested against the Commissioners of Woods taking in the old woods. When the taking in of these old woods became a matter of such serious consequence, then the Commissioners did protest; they said that they would not have it, and the Commissioners of Woods were obliged to withdraw Mark Ash and other suggested inclosures. But at first there was no reason to protest; the question was when you come to the limit; one man may think that the limit is reached at 5,000 acres, another at 7,000, another at 8,000; it is a matter of individual discretion; and people do not like to put themselves into antagonism with a public body, or with a thoroughly amiable man like Mr. Howard; if there is no special objection to it they say, “Oh, yes, take it,” you know. I think it is hardly fair to blame the Commissioners for it, particularly as latterly they have protested and prevented the inclosure of these old woods.

1503. You referred in one part of your evidence to the Act of Will. 3, and you called the 0.100.

Lord *Eslington*—continued.

attention of the Committee to the phrase “public use.” Now, you have studied the Act, I suppose?—I have read the Act through.

1504. Does not that phrase “public use” in that Act refer to the growth of timber for the purposes of the Navy?—I think that the preamble of the Act states, that “Whereas the timber has been destroyed, &c.,” and then it provides for making these inclosures, and then it provides that these inclosures are not to be given away to anybody, and it is in reference to this last provision, that it makes use of those words “public use, &c.,” but the Act clearly contemplates the rights of the public in the forest, because it says that the inclosures shall be made of such lands as can be best spared from the commoners (not commons) and highways.

1505. Do those words occur in the Act of William?—The word “commoners” occurs in the Act of Will. 3; it says that the inclosures are to be of such land as can be best spared from the commoners and highways. It clearly points to a right of user of the highways on the part of the public; and it also says “to the end that the forest may be perpetually estated in the Crown for public use.”

1506. Is it your opinion that those words have reference to the New Forest as a place of public recreation, as well as a place where common rights exist, such as rights of pasturage?—I think it clearly points out that there are three interests in the forest, the Crown, the public, and the commoners, and one interest was the navy timber; that is a public interest, not a Crown interest; it clearly points out that the forest is to be for the public. Whether it was for the growth of navy timber planted then, or whether it is to allow the British public to go about it now, is immaterial; the public have a claim on the forest *quá* forest, and as a national forest.

Mr. *Alexander Brown*.

1507. Have the Crown, to your knowledge, planted over some of the lawns of the forest?—I cannot say of my own personal knowledge.

Chairman.

1508. I think you wrote a pamphlet on the New Forest, did you not?—Yes.

1509. You were kind enough to send me a copy of it, and on page 41 of that pamphlet, I find that you advocate a partition of the forest?—Excuse me, I think in the copy which I sent to you I struck out the page to which you now refer me, and stated my reason for doing so, viz., that having read Mr. Howard's Bill, I cannot advocate a partition at all. I will tell you how that part of the pamphlet came in; I did not at all advocate a partition of the forests in the first instance, but a neighbour of mine, for whom I had a great respect, wished this view to be stated. I thought it was rather an unfair thing to write a pamphlet on the New Forest without stating the views of this gentleman, knowing as I did that he represented the views of many people resident there, and that he was a man who had given a great deal of consideration to the subject; and, therefore, I inserted those pages which relate to a partition of the forest. I did that, I must say rather against my own judgment, and my conscience has reproached me very much since for having done it: but there it was, and it only represented the views of certain people who had an interest in

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in the question; and I thought, although it was not quite my own view, it was only fair that these interests should be stated in a pamphlet of the kind I had written; but in the copy which I have sent you, I have utterly repudiated any idea of a partition. Mr. Howard's Bill has quite satisfied me on that point, that it is impossible. If once he gets hold of the forest on the terms stated in that Bill, the forest is gone.

1510. Then your pamphlet of 1871 did not represent your views, but the views of other persons?—My pamphlet, on the whole, represents my views very fairly; and I have stated this view of a partition, but I have stated it very guardedly; I have stated it thus:—"The commoners would perhaps prefer to keep the forest as it is, but they are justly alarmed at the rapid extension of the plantations made under the statutory powers we have referred to, and they perceive that the present system, if suffered to develop itself to its full extent, will deprive them not only of their ancient rights of common of pasture, but will altogether destroy the old picturesque timber," &c.; and then I state: "the writer has stated that the scheme for a partition of the forest is promoted by a portion only of the commoners. Many commoners would prefer that the existing state of things should continue, and the Crown remain lord of the forest, provided the existing Acts relating to the forest be repealed, and a new Act passed for the better management of the forest;" and I think I put in a note in the copy which I sent to you, "or more properly *modified*. I do not propose to deprive the Crown of its actual rights; but I submit that in the interests of the forest, such powers must be exercised gradually, and with moderation."

1511. Then you have materially modified the views which were expressed in the pamphlet at the top of page 41, where you say: "A partition of the forest, if effected subject to proper conditions and restrictions to be imposed by Parliament alike on the Crown and on commoners, in respect of their several allotted shares, might result in the preservation of the forest to the Crown, the commoners, and the public"?—You will observe that I make use of the word "might."

1512. I think you have expressed a very strong opinion that no partition is desirable, or that it is scarcely practicable, with the view expressed in this pamphlet?—Ever since I have seen Mr. Howard's Bill. I consider that Bill to be the views of the office in Whitehall-place, and I consider now that a partition is simply condemning the forest to be destroyed sooner or later; I do not say immediately, but sooner or later, it will result in the destruction and dismemberment of the forest. It is a very vast tract; I think you must keep it in its integrity, or let it go altogether.

1513. The paragraph on page 45 of your pamphlet then does not now represent your views: "If then an arrangement could be made by which all timber standing on the commoners' allotment should, notwithstanding the partition of the soil of the forest, continue to be the property of the Crown; the Crown would derive the benefit of the annually increasing value of such timber, while the small commoners who live by the exercise of their rights of common, would thus sustain the least possible injury on a parti-

Chairman—continued.

tion, inasmuch as the allotment to the commoners would not be diminished in extent on account of any allowance having to be made for the value of the crop of timber standing thereon?"—You must bear in mind that in stating the views on partition, I wished to make the best case I could for my friend. That is just it; I was stating, not my own views, but the views of a friend in whose views I had very great confidence, and for whom I had a great respect, and I just simply said the best I could for him.

1514. With reference to the exercise of the Crown rights under the Act of 1851, I think you stated, or it has been stated, that 11,000 acres are now under inclosure; but there is a right under the Act of 1851 to inclose up to 16,000 acres at any one time?—Yes.

1515. You have compared the Act of 1698 with the Act of 1851?—Yes.

1516. And you stated that it would be only just that the rights given to the Crown under the Act of 1851 should suffer distinction, because the Act of 1698 was to some extent a confiscation of the rights of the commoners; is that your view?—Yes; you may say so. But the way I put it is this. The Act of 1698, for a public benefit, deprived the commoners of certain rights, with no consideration to them, for parting with those rights. Now I think the commoners and the public may fairly ask Parliament to take into consideration what took place then, and to say, "We find that there has been this outcry about these inclosures as being mischievous to the commoners, and destructive of the character of the forest, so now in order to secure a great public benefit, namely, the preservation of the forest, one may say to the Crown, "Hold your hand; do not exercise your powers to the fullest extent. Show some consideration to those who gave up their rights at once to you, for no consideration, when a public benefit was to be obtained. We do not take any material right from you which would give you a territorial allotment in the event of a partition or an inclosure; we do not take that from you, but we only say. Do not plant us out; do not take everything away from us. Give us a little breathing time, wait till the other plantations have been thrown out, and then you can take in fresh, and give us fair pasture lands in exchange for those you take in."

1517. If I was to interpret your statement, I should say that you suggest this rather as a ground for consideration than as any suggestion of a ground for legislation?—You have got the Act of 1851 before you. The Commissioners in Whitehall-place consider that they are bound to carry that Act out with the utmost rapidity. To relieve them of that obligation I think we may fairly ask Parliament to say that, regard being had to the operation of this Act, and to the fact that it is undesirable that these powers should be carried out too rapidly, that for the future, so long as the forest remains as it is, uninclosed, unpartitioned, the powers of inclosure of the Crown should be limited in the way in which I have suggested. But to give effect to such suggestions, an Act of Parliament is clearly necessary. But in such Act a clause should be inserted to the effect that nothing therein contained should operate so as to prevent the Crown receiving its full compensation in the event of a partition or inclosure; that it should be entitled to receive that compensation

Chairman—continued.

sation as fully and effectually as if this Act had never been passed, and on the basis of present Statutes which relate to the forest. That is the whole of my suggestion.

1518. Is not that suggestion a most unusual one, that the right of compensation shall remain in an event happening, which is very remote, and which you wish to prevent altogether, and that the rights conferred by the Act should not be exercised?—What I mean is this: you may have rights, but you are not bound to exercise them always; you may hold your hand; there is no obligation to exercise your rights; that is all I mean. Keep your power, but do not exercise your rights to the annoyance and mischief of your neighbour. It has clearly come to this, that something must be done, because they say in Whitehall-place that the present state of things cannot continue, and that they must have a partition. I am quite of opinion that that is quite a mistake on their part. The present state of things may continue perfectly well, and the officers of the Crown have plenty to do in looking after and developing their present plantations. I am in great hopes that these plantations may some day turn out to be of extreme value, and possibly when they are cleared and thinned, of great beauty; but that is looking forward a great many years, and it is just as well that they should hold their hand for a bit, because I should like to see how these plantations are going to turn out.

1519. Do you admit the statement on the part of the officers of the department which has been made from time to time that the Act of 1851 was a compact?—Most decidedly so, and so I treat it; a decided bargain made between the two parties.

1520. Have you any acquaintance with the character of the population of the neighbourhood?—Well, I am a county magistrate, you know, and I generally attend the bench in my district.

1521. Are you able to say whether the richer or the poorer commoners exercise their rights most largely?—There I can speak most positively; the larger farmers who have the common rights do not exercise their rights to any extent, because it would never do to turn out high bred and well bred cattle into the forest; you must turn out the natural cattle of the district and the ponies of the district, and they will do very well there; but if you were to turn out animals that have a pedigree and are well bred, they would die immediately.

1522. With regard to the rights of pasturage, rights of turbary, and other rights of that character, of considerable value to the poor, do they yield any return in any shape or way to the larger owners of property?—I cannot speak positively; but I should apprehend that in letting a large farm, I mean a considerable farm of 200 or 300 acres, the common rights would not be of any account whatever. In letting a small farm they would be of much more value.

1523. Are there many small freeholders in the neighbourhood of the forest, who exercise common right?—That I cannot say. I should think there are very few small freeholders in the forest, but a great many small tenant holders who exercise common rights.

1524. Evidence has been given here to the effect that the result of disafforestation, so far as the poorer populations adjacent to the forests are concerned,

Chairman—continued.

is an improvement in their social and moral condition. Have you reason to believe that in the case of the New Forest the compensation for the common rights, exercised by the poorer inhabitants of the district, would result in an improvement in their social and moral condition?—The result would be that they would as freeholders disappear altogether before long. I can speak to that from some experience. In the Earl of Carnarvon's manors there were a great number of small copyholders; they are rapidly being absorbed by their richer neighbours; they cannot resist the temptation of the high price that is offered to them to complete the landowner's boundary. Any poor freeholder who received compensation for his common rights would assuredly sell his allotment within half a century. Perhaps some few would hold on, but in general they could not resist the temptation of the price offered to them for the land.

1525. Are you aware whether the class of small proprietors, small farmers, is diminishing in the neighbourhood of the forest?—That I cannot say; but there are several small farmers in my own immediate neighbourhood who do turn out animals on the common.

1526. Can you speak of the character of the population?—As to the character of the population, I think that it is, without exception, the most orderly well-conditioned agricultural population you well could meet. Very often at petty session there is hardly a case to be tried for our district; there may be some little trumpery case; but as for dishonesty, hardly ever; and drunkenness, since the new Act has been passed, very seldom.

1527. I am asked to ask you this question; if the open heaths were inclosed to any extent, would the turbary rights be impaired?—Of course they would; but the turbary question is simply a commoners' question; they cannot burn the surface and feed it off too. It is a purely commoners' question that nobody has anything to do with but the commoners.

1528. Would it be at all difficult to deal with a turbary right by itself, and to extinguish that right?—I do not see how it could be done except by the action of the commoners among themselves. Here is the open land; it can either be fed or cut into turf and burned. It is quite a question for the commoners to settle among themselves, and one with which the public have no concern whatever. It does not affect the public rights whether the surface is pared or whether it is fed. You can walk where they have cut the turf or where the animals are feeding.

1529. You have spoken of the exercise by the Commissioners of their power of *à l'outrance*, but in answer to my noble friend, I think you only stated that they had exercised those powers with regard to inclosure; is that so?—Simply that they conceive that they are bound to carry out this Act as quickly as they can; that has been their policy; they have been legally entitled to do everything they have done; but I think that they ought to have shown a little more consideration to the commoners, and not have hurried these inclosures on in the way they have done.

1530. But do you consider that the Commissioners have hurried on the plantation of 10,000 acres, when they have only planted something less than 5,000 in a period of 17 years?—They have got 11,000 acres under inclosure now, I believe.

Mr.
Jenkinson.
8 June 1875.

Mr.
Jenkinson.
8 June 1875.

Chairman—continued.

believe. The precise amount is stated in Mr. Howard's Memorandum to the Treasury of 1871. In 1851 they had only 1,800 acres inclosed. That makes over 9,000 in 20 years, and then they were stopped by Professor Fawcett. If it had not been for Professor Fawcett, there would have been nothing to inclose now; they would have carried out their powers under the Act to the full.

1531. I think you said that there was a commission, representing the inhabitants of the New Forest, joined with the commissioners, who set out these inclosures?—I have no personal knowledge of how they take these inclosures; I only know what appears in the Statute book. I have had nothing to do with the commissioners.

Lord Henry Scott.

1532. I observe that your pamphlet is dated 1871?—Yes.

1533. When you wrote it, I think the proposal in the Bill of 1871 was before you, was it not?—No; they had given notice of the Bill of 1871, but this pamphlet was written in 1870. The date 1871 is put on it, as it came out early in 1871, but I never saw that Bill before writing the pamphlet; that Bill was not brought into the House till several months after this pamphlet was in print. I had only the notice of the Bill, which they were bound to give.

1534. The notice was given in November 1870, was it not?—Yes, but that was the general notice advertised in the newspapers, which did not go into details or particulars.

Mr. WILLIAM STEAD, called in; and Examined.

Mr. Stead.

Chairman.

1535. I THINK you are Clerk to the Verderers of the New Forest?—I am.

1536. How long have you been so?—Since 1845.

1537. Will you tell the Committee what your duties are?—I hold the ancient verderers' or attachment court for the forest, and regulate the proceedings for all offences cognisable there. For instance, cases of encroachment of forest land; stealing heath, furze, and fern (under the description of covert); against persons having no right to turbary under the award of the Commissioners exercising those rights, and others, having rights, exercising them contrary to the usages of the forest. I also prosecute before the magistrates, as employed by the Crown, for offences against the game laws, damaging trees or underwood, setting fire to furze or heath, and other offences in the forest.

1538. From whom do you receive your instructions?—In regard to offences cognisable in the verderers' court, the keepers of the walks attend each court and make presentments, in the nature of an information, on which summonses are issued for the next court. With regard to offences punishable by justices on summary conviction, I generally receive instructions to prosecute from Mr. Cumberbatch, the deputy surveyor of the forest, and, in trifling cases, I sometimes receive the particulars of the offences from the keepers or superintendent of police; and I prepare the information and summonses, and forward them, in order that they may go before a magistrate with the papers for signature; and bring the cases on at the next Lyndhurst Petty Sessions.

1539. How often are the verderers' courts held?—Every 40 days.

1540. What is the nature of the proceedings at those courts?—I am clerk to the court, and when the court and the verderers are assembled, I rise and I ask, "Are there any presentments to make?" Then the keepers, if they have any, make them. Then I take a note of them and make the presentments out; I generally have a clerk with me; and the verderers sign them, and sign summonses for the parties to attend at the next 40 days' court.

1541. Are there many cases now presented at these courts?—Not a great many.

1542. Do you remember the forest before the deer were removed?—Yes, for many years.

Chairman—continued.

1543. Were there many convictions for offences against the deer laws?—A good many.

1544. And were there many offences committed besides those for which convictions were obtained?—You mean offences that were not discovered. I think that the keepers were very vigilant in detecting offences against the deer laws. There were some, of course, that were not discovered, but I think most of them were discovered.

1545. Is it your opinion that the existence of the deer lowered the morality of the district?—Very much. I think it induced people to look to other means than industry for their maintenance. If they could kill a deer, it was worth 10*l*. There was a body of men who would not leave the deer alone; there was a sort of romance in the employment which induced them to follow it up, and no punishment seemed to deter them. I have known men convicted three or four times; after a second conviction they were indicted at the assizes; and I recollect particularly a man named Cutler, who came, I think, from Beaulieu; I think he had been convicted 20 times; and many men I have known convicted over and over again, and then their families have to be maintained by the parishes.

1546. The removal of the deer effected an immediate reformation in the character of the population of the district, as I understand you?—I think it improved it, there was not the same temptation as before.

1547. Is it within your knowledge that the deer were troublesome to the owners of property in the neighbourhood of the forest?—The existence of the deer compelled them to keep up immense high fences beyond what they would otherwise have done. Of course if the deer got into the pastures or cornfields it must have been very injurious; but I think the practice of the keepers was to take rounds every night on the borders of the forest and keep the deer well away from the borders of the forest.

1548. Were the verderers consulted by the Commissioners of Woods as to the drainage works executed in 1869 and 1870, and paid for out of the Southampton and Dorchester Railway money?—They were so consulted as to the works paid for from the Southampton and Dorchester Railway Compensation Fund.

1549. Do the verderers represent the commoners, or whom?—They are between the commoners

Chairman—continued.

commoners and the Crown. They are elected by the freeholders of the county, and I think their oath is to execute justice between the commoners and the Crown.

1550. They are supposed, are they, to protect the interests of the public as against any possible infringement of the Crown?—I think they are bound to support the rights of the Crown as well as of the public; that is what my impression is. I might have brought the form of oath with me.

1551. Where do you trace the origin of the verderers' court?—It is most ancient; you will find it alluded to a great deal in "*Manwode*."

1552. The oath is given there, is it not?—Yes; I think it is connected with the old court, the justice seat that used to be held before the chief justice in Eyre; but the verderers hold an attachment court. The whole regulation of the court and its proceedings you will find laid down in "*Manwode*."

1553. Were the verderers consulted as to the application of the balance of the money received from the railway company?—They were.

1554. Did they express any favourable judgment on it?—I recollect many instances where an application has come from the Office of Woods proposing a certain outlay in the drainage, or in repairing the drainage of the forest; the proposal came from the Office of Woods, and that was laid before the verderers, who either approved of it or made alteration in it; but I have known applications made very frequently.

1555. And the verderers approved, did they, generally what the Commissioners of Woods proposed?—They generally approved the schemes that were proposed for repairing the drainage that was carried out, I think.

1556. If the forestal rights of the Crown were to cease, would the verderers cease also?—I do not know that they would.

1557. What occupation would then remain for them?—I cannot say as to that, unless their being superseded were carried out under an Act of Parliament. On their election (they are elected for life), they are sworn to preserve the rights of the Crown and the commoners. Of course, if all their occupation is cut from under them it would be a mere honorary office; but I imagine they would continue to be verderers unless they were superseded by some Act of Parliament.

1558. I suppose you have been living in the neighbourhood of the New Forest?—All my life, or nearly.

1559. Do you know whether the rights of common are much exercised by the poorer commoners?—Yes, and not by the better class, for this reason; a man would not turn high-bred cattle out into the forest.

1560. Do you advocate a severance of the rights of the Crown and the commoners?—Well, I am hardly competent to form an opinion upon that subject, and I have not had the opportunity of consulting the verderers about it.

1561. But if a severance was effected, and it was proposed to allot to each poor commoner compensation, either in land or money, for the rights which he exercises, do you think that such a course would be beneficial to these people?—No, I think it would be prejudicial, for this reason; the probability is, that they would part with them for a very small consideration. Now, as having these rights of common, they are enabled to preserve a sort of independence by

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Chairman—continued.

having a few cattle and breeding a few ponies, and so on; but if they were to have an allotment of two or three acres, the probability is, that they would not have money enough to cultivate it, and the probability is, that they would dispose of it.

1562. Have you heard the evidence given to-day by Mr. Jenkinson as to their character and condition?—Yes.

1563. Are you of opinion that they are a respectable, orderly, and independent class of men?—I think they are a little given to petty stealing, stealing wood and that sort of thing; but otherwise, I think, they are a well-conducted class.

1564. Are you acquainted with the character of the agricultural population outside the bounds of the forest?—Pretty well.

1565. Are the New Forest commoners, the poorer commoners, better or worse than their neighbours?—I cannot say; I should say that there is scarcely any difference. They are a different class of men from many of the people in the neighbourhood of the New Forest; they are not agricultural labourers generally; they are people that have a certain independence, and they deal in wood and timber, and keep a few cattle, and poultry, and geese upon the commons, and that sort of thing, and they keep horses to carry timber, and they make their living in that sort of way, a great many of them.

1566. But the evidence of gentlemen who have been acquainted with the commons in other parts of the kingdom is to the effect that a small commoner is injured morally by the vagabond kind of life which belongs to the exercise, or is attached to the exercise, of common rights. Is it your experience that the character of the poorer population in the New Forest is injuriously affected by the conditions under which the commoner lives?—No, I do not think so. I think it enables him to preserve a sort of independence by keeping a cow or two, and a horse, and having, perhaps, a little land, and doing something by hire work. They do a great deal by the timber which is cut; they earn a good deal of money in that way.

1567. I think you rather object to express any opinion as to the expediency of a severance of interest between the Crown and the commoners?—I am hardly competent to form an opinion upon it; I have not considered it.

Mr. Cowper-Temple.

1568. Do many of those who exercise common rights eke out this living by weekly wages?—I do not think many do; some may.

1569. Do the common rights enable these small commoners to keep cows?—Yes; the general rule of levancy and couchancy is, that the common rights a man is entitled to, ought to be equal to feed a cow in the summer, which his land would keep in the winter from the hay grown on it.

1570. And is it the case with a number of these small commoners?—Yes, by having the rights of commons they can shut up their land in the summer, and grow hay upon it; then they have the right of turning out mast, or turning out pigs, and turbary.

1571. Do you think that the loss of these common rights would seriously diminish the comfort of a large number of persons?—I think it would.

1572. Can offences against the game laws be tried in the verderers' court?—No; I also as the

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Mr. Stead.

8 June 1875.

Mr. Stead.

8 June 1876.

Mr. Cooper-Temple—continued.

general legal officer of the Crown, attend those cases before a petty sessions.

1573. Can the verderers' court take cognisance of shooting without a legal right?—No.

1574. Do the freeholders of the county take any interest in the election of verderers?—Not very great; I say that, because I was present at Winchester, and I have been at two or three elections.

1575. Do you remember any contest for the office of verderer?—Not that came to a contest; it threatened, but it did not come to the point.

1576. With the present constituency of the verderers, would a contest, if it took place, be a very expensive one?—It they went *bonâ fide* to a contest, it would be more expensive, because it would be all the freeholders in the county, and not the divided county but the whole of Hampshire; I cannot put any limit to the expenses.

1577. Supposing that any alterations were making on the subject of the verderers, do you think it would be more in harmony with the circumstances of the present time that the constituency which elects the verderers should be the freeholders in the forest, rather than the freeholders of the whole county?—I think it would be more reasonable.

Mr. Ernest Noel.

1578. Do you think that the cases that are brought before the verderers' court could be brought before petty sessions with advantage?—Well, I cannot say that, because I consider that the verderers are gentlemen perfectly competent to decide upon all the cases that are brought before them, and they are gentlemen of local experience.

1579. But would not the local magistrates be very much the same sort of body of men as the verderers?—Yes, they are, as a general rule, only the verderers are gentlemen who are supposed to be elected from their knowledge of the forest; and some of the magistrates who attend the bench are not acquainted with it; they might be small proprietors.

1580. I suppose most of the verderers are magistrates?—One of them is not; Sir Henry Paulet is not a magistrate. Our verderers are Sir Edward Hulse, Bart., Mr. Sloane Stanley, Sir Henry Paulet, and Mr. John Morant. They are all magistrates, I think, but Sir Henry Paulet.

Mr. John Stewart Hardy.

1581. Do you live in the forest?—I live at Rumsey, nine miles from it.

1582. We have heard a good deal about the rights of the general public in the forest, do you know whether the general public come very largely to the forest to enjoy themselves there?—I think it is very common. I frequently see very large parties go out from Southampton to enjoy themselves under the trees in the forest, and I believe the forest is very much visited, more every day, by tourists from London.

1583. You think that is increasing?—Very much; I am frequently at Lyndhurst, and I often see a body of young men, they may be Oxford students some of them; they have come to the forest and are making walking tours through it, and people come down to stay there to sketch in the forest, and they take great interest in it, I think, and that is increasing.

Mr. Alexander Brown.

1584. The verderers' court does not have anything to do with the inclosures at all, as I understand; that is done by a separate commission?—Yes.

1585. Do you know whether the Commissioners have inclosed any of the lawns of the forest?—I think they have some, but they have left out the best upon remonstrances being made.

1586. But they have inclosed some of the lawns?—I think so; I refer to one large inclosure called Ashurst Inclosure; I know that inclosure runs a long way in front of an estate belonging to the late Sir John Mill, Baronet, and I believe a good deal is pasture land.

1587. Would the verderers, as standing between the Crown and the commoners, have any cognisance of an inclosure of that sort?—I think they are consulted; I have been present at meetings, and my belief is that when any of these inclosures have been suggested, the verderers and certain commissioners meet, they come down with a scheme, and the verderers are part of that commission, and are consulted as to inclosing. Before inclosures are carried out or contemplated, I think there is a commission of gentlemen in the neighbourhood, including the verderers, who are consulted as to the desirability of the inclosure.

1588. I understand you that the verderers are part of the commission who do this?—I do not think it is in their own character, but as part of the commission.

1589. There has been one lawn which you have mentioned which has been inclosed by these commissioners?—Well, it was pasture land; I know most of the lawns are preserved; there is Balmer Lawn, and there are other fine lawns that have been preserved.

Lord Eslington.

1590. Are we to understand that the jurisdiction of the verderers' court is confined to the trial of cases of offences against the forest laws?—No, because they have a jurisdiction given by Statute.

1591. What is the Statute under which the verderers' court is constituted?—I believe it goes back to great antiquity, from the time of the forest laws, the time of "Manwode," and even the Conquest. We have jurisdiction by Acts of Parliament; there is, for instance, the 10th of Geo. 4; I could show you in a minute that that gives them a jurisdiction over a vast number of offences.

1592. Can you give us clearly and shortly a description of the range of the verderers' court's jurisdiction?—Of course they have jurisdiction over the whole forest; but they have jurisdiction either by ancient usage or by Act of Parliament.

1593. Under some modern Statute do you mean?—Under some modern Statute which I could refer you to.

1594. Now when the court meets, which it is bound to do every 40 days, I think you said you are there to hear the presentments?—To ask the officer if they have any presentments to make for offences that can be punished in that court.

1595. Can the commoners make presentments to the court?—No; it is done by the officers of the forest, one of the keepers, who have each a walk in the forest; the presentments are made by them, but they may have information from commoners;

Lord Estington—continued.

moners; the form of the presentment is, that such an offence having occurred in their walk, so and so.

1596. Then is the power of making presentments confined strictly to the officers of the Crown?—Yes, the keepers; there are keepers of each walk; there are 16 walks, I think, in the forest.

1597. I want to get at the mode of business; supposing that a keeper, or one of the foresters, makes a presentment that a certain commoner has turned into the forest more cattle than are, strictly speaking, levant and couchant, upon his farm, would that be a fair presentment to make to the court?—No, I do not think it would be done in that way; it would be done in another way; I think there is an Act of Parliament called the Pasturage Act, by which any person turning out cattle improperly is subject to certain penalties, and those penalties are recoverable before the verderers' court; that is one of the sources of jurisdiction of the verderers' court.

1598. That is one of the more recent statutes to which you have referred?—The 59th of Geo. 3, I think.

1599. The court will take cognisance of a case of that kind?—Yes.

1600. They would hear the case, and is the party then finable?—I should tell you that there have been what are called "drifts of the forest;" the forest is driven, or ought to be driven (it has rather fallen into disuse) at certain times, and with regard to cattle taken under those drifts and found out in the forest, and not claimed, there are certain pounds in the forest, and if they are not claimed by the owners, and if it is discovered that the cattle of persons having no right were out in the forest, those persons are liable to a fine of 50 s., I think it is.

1601. How do they identify the cattle as belonging to any particular individual; are they marked with the letter of his name or not?—I should tell you that there are a class of men called marksmen, and when cattle are put out they are put under the charge of these marksmen.

1602. Do the marksmen act on behalf of the Crown or of the commoners?—On the part of both, I think.

1603. And your court, as I understand it, is constituted expressly to protect the rights of both?—Yes.

1604. Have any cases occurred in which the rights of the Crown and the commoners have conflicted before your court?—I do not know; I do not recollect any. There is a jurisdiction of encroachment. Cases of encroachment are very narrowly watched.

1605. Does "encroachment" mean encroaching upon inclosed spaces?—Taking in forest land is encroaching upon the forest. Supposing a man carries his fence out 5 or 10 yards further than he has a right to do, it is the duty of the keeper to present him. We had a case last year where a man had done that, and he appealed to the county court judge, and it was ordered to be thrown out.

1606. But the verderers' court would protect, I presume, the rights of common of pasture when they were either violated or encroached upon?—No, I do not think they would.

1607. Then where would such cases be tried?—At present, the rights of the Crown having

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Lord Estington—continued.

been ascertained, there is great indifference, I think, as to who exercise the rights of turning the cattle out; the Crown having got their 10,000 acres of land, and their fence month, I think they do not concern themselves much about turning out now.

1608. Then according to that the commoners have very little protection one against the other in regard to their rights of pasturage?—No, they do not interfere between each other; in fact I doubt whether the forest is overstocked at all now.

1609. But it might be to any extent, might it not, unless the practice of drifts was continued?—Yes; I suppose if the commoners had great cause of complaint that their rights were swamped by persons who had no rights, they would bring the machinery of the verderers into action under the Act, and bring the offenders before this Court.

1610. Does the verderers' court take cognisance of violation of the forest law of winter heyning?—No.

1611. Would it take cognisance of a violation of the fence month?—No.

1612. Do the verderers attend the court as a rule?—There is one of them, Sir Henry Paulet, who always does attend; and if I find that there are likely to be cases, I write to them a letter so to secure a court, which is two.

1613. Is there any rule as to the quorum?—Yes, two constitute a quorum; it is laid down by the law.

1614. And unless two verderers are present, you cannot hold a court?—No, not legally.

Lord Henry Scott.

1615. I think you stated to the noble Lord, who has just asked you some questions, that the Crown has at present very little interest in the exercise of common rights now that they have obtained their 10,000 acres?—Yes, I believe that is the case.

1616. Was not that view rather taken by the verderers in 1863, do you remember?—I do not; I know that is the fact.

1617. Did not the verderers about that time write a circular letter to the commoners calling their attention to their defective powers of administration, and asking the commoners whether they should not ask for greater support for them?—Yes; I know that one of the verderers, particularly the late Mr. Compton, was most anxious to serve his poorer neighbours and the commoners, and invited them to make their complaints to him.

1618. Do you remember writing a letter about that time?—I think it is very likely I did. If I did, it was by their direction, and would be on record.

1619. Do you remember that letter (*handing a letter to the Witness*); that is a circular letter addressed by you to the commoners in 1863, by order of the verderers?—That is my writing.

1620. Perhaps it would be rather instructive to the Committee if you were to read that letter, and then they would understand the position of the verderers towards the commoners at that date?—"Romsey, October 1863. Sir,—I am desired by the verderers of the New Forest to lay before you, as one of the principal commoners, a statement of the steps which they have considered it their duty to take for the protection of your rights. The position of the verderers is a neutral one

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Mr. Stodd.

8 June 1873.

Mr. Stead.

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Lord Henry Scott—continued.

one between the Crown on the one hand and the commoners on the other, and they are bound by their oaths to protect the rights of both. In the discharge of their duties the verderers have anxiously endeavoured to prevent any encroachments on the rights secured by the award of the Commissioners to the commoners by persons having no rights, and they considered they could best effect that object by ordering drifts of the forest, so as to seize the cattle of intruders. Doubts, however, having arisen as to the actual powers of the verderers on several heads connected with the duties of their office, in the month of September 1862, they laid a case before Mr. Montague Smith, which will itself explain what the verderers have done in the matter up to that time. The case itself is sent for your perusal. After the opinion of Mr. Montague Smith, it appears that the verderers have no power to order drifts without the consent of the Woods, the consequence of which is that drifts have since been made without the concurrence of the verderers by the authority of the Crown, who have no interest in keeping out intruders. The Crown having, under the authority of several Acts of Parliament, exercised their power to inclose large portions of the forest for the growth of timber, the rights of the commoners are yearly decreasing; but in order to prevent the inclosures of small portions of land being inclosed, a clause was introduced into the Deer Removal Act, preventing a smaller quantity than 300 acres at one spot being inclosed. The verderers however find that land in smaller quantities has been inclosed, and also that trees have been planted in the uninclosed part of the forest, where the Acts of Parliament only contemplate trees being raised in plantations. On the whole, the verderers think that it may be the opinion of the commoners that they are now without any adequate protection from the growing interest of the office of Woods in the forest, whose interest it is to lessen their rights, or to allow them to fall into disuse. It appears to the verderers that it is their duty to give an account to the commoners of what they have done, and to ask them whether they think that they have done all they could to protect their interests with the limited powers they at present possess, or whether it would not be desirable for them to apply to Parliament for fresh powers. The commoners are upwards of 1,300 in number, and their rights of great value, and it will be for them to consider whether they are not worthy of some protecting care. The verderers are willing to give the commoners every assistance connected with their duty to the Crown, and if they consider their rights to be infringed on, and to be now without any adequate protection, they invite the commoners to express their opinions on the subject."

1621. Then by that letter it was clear that the verderers thought that the commoners wanted some further protection than they could afford them?—It seems by that letter that they rather invited them to express their opinions. I think it was from the zealous and anxious wish to discharge their duty, that that letter was sent out.

1622. I think you said that the oath which the verderers take is the same as that given in Manwode?—I think it is.

1623. Is not that entirely an oath to the

Lord Henry Scott—continued.

Crown?—I see you have Manwode there. I only speak of it from recollection.

1624. You do not think it is necessary for me to read it?—I should be sorry to state what was not correct; but I have heard the oath administered in Winchester.

1625. Would you like to read it (*handing the book to the Witness*)?—Yes. "You shall truly serve our Soueraine Lord the King, in the office of verderer in the forest []. You shall, to the uttermost of your power and knowledge, doe for the profit of the King, so farre as it doth appertaine unto you to do. You shall preserve and maintaine the ancient rights and franchises of his Crowne; you shall not conceal from His Maiestie any rights or priuiledges, nor any offence, either in vert or venison, nor any other thing; you shall not withdraw nor abridge any defaults, but shall endeour your selfe to manifest and redresse the same. And if you cannot doe that of your selfe, you shall giue knowledge thereto vnto the King, or vnto his justice of the forest; you shall deale indifferently with all the King's liege people; you shall execute the laws of the forest, and doe equal right and justice, as well vnto the poore as vnto the rich, in that appertaineth vnto your office; you shall not oppresse any person by colour thereof, for any reward, favour, or malice; all these things you shall to the uttermost of your power obserue and keepe, so helpe you God."

1626. You see it generally goes to preserve the forestal rights of the Crown?—Yes, the latter part refers to the poor.

1627. You said you advised the verderers in the exercise of their duties?—Yes.

1628. Have you consulted them in any way before coming to give evidence here?—No, I have not.

1629. You do not wish therefore to be taken as giving their views?—No; I do not wish to be taken as an exponent of their views in any way, not having had an opportunity of consulting them.

1630. We had a Paper presented a short time before this Committee, which was handed in by Mr. Watson, solicitor to the office, called "Mr. Gardiner's Diary." On the 20th of June, there is an entry in that diary in which comes this item: "Attending Mr. Stead on his informing us of a strong opposition which was getting up in the forest against the Bill, and on his offering to render any assistance in his power." Do you remember that?—I do not; in what year was that?

1631. One thousand eight hundred and fifty-one?—I do not remember it.

1632. You do not remember whether you did give any assistance to the Crown on that occasion?—No, I do not think I did.

1633. Are there any salaries attached to the verderers' court in any way?—No, but in the accounts I make a charge for my journey there, for myself and clerk, and holding the court.

1634. The verderers have no salary then?—No.

1635. From what fund is your salary paid?—I send my bill up to the Office of Woods, and it is taxed, and I receive a cheque for it.

1636. And the Office of Woods pay it?—Yes.

1637. What

Chairman.

1637. What becomes of the fines?—I account for them.

1638. To whom?—I send them up to Mr. Howard.

1639. The fines are part of the revenue of the Crown?—I account for them. You will find the list of them at the end of my bills.

Mr. Cowper-Temple.

1640. Have the Verderers any authority to drive out cattle that have no right to be in the forest?—Did I not read in the letter that Mr. Montague Smith (the present Sir Montague

Mr. Cowper-Temple—continued.

Smith) expressed the opinion that it must originate from the Crown?

1641. Is there any power that you are aware of to keep diseased cattle out of the forest?—Yes, I think there is.

1642. Under the general law, and not under the law of the verderers?—I have an idea that there is, and also to keep entire horses out of the forest.

1643. Was the main purpose of the verderers' court to protect the deer from injury by unauthorised people, and to protect them from starvation?—No, allow me to say that the verderers had nothing to do with the deer.

Mr. Stead.

8 June 1875.

Mr. WILLIAM CLEMENT DRAKE ESDAILE, called in; and Examined.

Chairman.

1644. Will you state to the Committee who you are?—I have lived in the New Forest since 1851 at Burley Manor, which is on the west of the Forest.

1645. I think you are a magistrate, are you not?—I am a magistrate for the county, and I act also as one of the chairmen of quarter sessions.

1646. You have taken a great interest, have you not, in the affairs of the forest?—I have, ever since I have lived there.

1647. Are you the secretary to an association called "The New Forest Association"?—I have acted as secretary to the New Forest Association since its formation in 1867.

1648. Of whom is that association composed?—The association was formed in 1867, in consequence of an endeavour that was made in the Crown Lands Bill in 1866, to repeal certain parts of the 10th of George the Fourth, chapter 50, for the purpose of leasing the shooting of the forest. Those clauses were in the Bill of 1866, and passed the House of Commons before anything was known of them, and were opposed by the commoners in the House of Lords, and afterwards withdrawn. It was also at that time that the Commission called the Inclosure Commission of which I am also one (I was not then), passed nearly 8,000 acres of land for inclosure at one sitting; the attention of the commoners was drawn to this, and the association had its birth from those circumstances. In answering the question which you have more particularly put to me, I may say that the association is composed of almost all the small and large landowners who have interest in the forest as commoners. The large landowners have met from time to time since that, and there have been also meetings of the smaller commoners held from village to village; I have myself often been asked to go and be present at those meetings, because it is felt by them all that, for the smaller men especially, to lose the common rights which they have enjoyed would be simply ruin; they would not be able to manage their lands in the sort of way that they do now. I have taken every precaution to inquire into the matter, and up to this present moment I have never been able to find a small owner who would be willing to be compensated for the rights which he has; and I have also lately asked for an analysis of that Book of Claims that has been referred to, or rather the register of claims of 1854, and I find that the

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Chairman—continued.

Mr. Esdaile.

smaller commoners come out in this quantity: that there are 207 of them who only own one acre; that there are 200 of them who own from one to four acres; 126 of them who own from four to ten acres; 51 who own from 10 to 20 acres; and 44 who own from 20 to 30 acres; beyond that I have taken them to be larger holders.

1649. Then you believe that you fairly represent the opinion of the smaller as well as the larger commoners in the district?—Yes, I think I am able to say that.

Lord Henry Scott.

1650. As to the Acts of Parliament up to 1850, is there much dispute as to those?—I do not think there will be much dispute or question arising on the Acts of Parliament affecting the New Forest, except on one or two well-defined points, which I wish purposely to leave aside for the present and to treat of separately, such as what we have talked about as the "rolling power," and also the "power of sale," those both arising out of the Statutes previous to 1850; and there is considerable difference of opinion upon them; but beyond that, I do not think there will be anything to dispute.

1651. What view, then, do you take of the position of the Crown as regards common rights in 1850?—It seems to me that in 1850 the Crown's power was this: first, to put forest laws in force by which the full exercise of common rights might be abridged; but that such laws were, as a fact, never put in force by the Crown so as curtail those rights; and that, secondly, the Crown had this power to inclose certain acreages of the forest for planting, and thus to lessen the area of pasture; which last power was exercised from time to time in a gradual manner. And here I should say, with regard to the forest laws which are put in force, with reference to fence month, and winter heyning, which we have spoken of a good deal, that I believe it is sound to say this, that the commoners had a right to have their cattle in the forest during fence month until the Crown chose to exercise their power of taking them out, which they never did. I should add also, that I think that the power of planting under William the Third's Act was a power of planting for national purposes only; it is expressed in the preamble of the Act as being conferred for national purposes, for the use of the Navy.

1652. And did not the fence month apply equally

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Mr. Esdall.

Lord Henry Scott—continued.

8 June 1875.

equally to the passage of persons through the forest as to that of cattle?—As a dry abstract matter of forest law, my belief is that it is so; I hardly like to take up the time of the Committee by quoting Manwode, but I believe that that is the fact, that it is the passage of people through the forest as well as the passage of cattle that it applies to; more to the passing of people than of cattle; that has come out in the case of Epping Forest lately.

1653. I suppose you have made yourself acquainted with the evidence as to the New Forest given to Parliament at various times?—I have done so, so as to be able to give my evidence as succinctly as possible; I think there is a great deal worthy of attention in the evidence given in 1849, because you there get a very clear idea of the then position of the Crown and commoners; and, without going into detail, I would especially draw attention to Mr. Clutton's evidence at Questions 1373 to 1671; also to Mr. Milne's evidence, given in 1848, at Questions 358, 388, 395, 429, 458, and 498; Mr. Milne had then had a large experience from the year 1834 in his office of Chief Commissioner, and therefore I have always treated him as a great authority.

1654. Can you give the Committee any idea of the bearing of the evidence which you mention on this present inquiry?—On reading it, and looking at the petition which is before the Committee from the commoners, it seems to me that this inquiry must naturally fall into a very simple shape; first, What was the relative position of Crown and commoners before 1851 as to the value of their interests in the forest; and, secondly, What has been the effect of the Deer Removal Act, 1851, on that relative position? Those seem to me the two questions, as far as the commoners go, into which this inquiry resolves itself.

1655. Do you think that the consideration of those two questions will show that the petitioners have good reason for applying to Parliament for redress?—I think that if it is proved that the value of the commoners' rights, such as they were estimated by the Crown in 1849 (and I venture to say, as a commoner, that that was the very lowest valuation that could be taken, because it was a Crown view, and not a commoner's view), has been diminished, and is still diminishing, whilst the value of the Crown's interest has been enhanced proportionately to the diminution of the commoner's interest; and if it is proved that this has arisen, first, from a change effected by legislation which was not contemplated by either party when the law passed, and, secondly, from the deliberate use of that new legislation by one party for the purpose of swamping the property of the other, then I think we have got very good grounds for coming to the Legislature for redress before we are utterly swamped.

1656. Are there any documents to which you wish to call attention before the evidence of 1848?—There are two: first the claims made in 1670. I have a translation of them here, if the Committee would like to look at them; they were made in Latin. I have certified copies of these claims as they affect my own estate, and I have carefully looked over the translation which I have mentioned. I have to the best of my power analysed them, and they divide themselves, I find, into two classes; first, the lands coloured

Lord Henry Scott—continued.

yellow on that map "within" the forest; and, secondly, the lands which lie adjacent to the inner boundary, outside the forest. Those two sorts of lands made claims in 1670.

1657. Do you find that the acreage of these two classes at all agrees with the acreage of the lands which have been proved as entitled to common in 1854?—I have looked into that point, and I find a very remarkable coincidence between 1670 and 1854, more remarkable than I should have thought possible. In round numbers, there are at this present moment, coloured yellow on that map, 26,000 acres of private lands, with common rights, that is within the limits of the forest; and since Mr. Howard's return of 1867, we have all treated that as the acreage. In 1870 there were about 25,000 acres which claimed then. After allowing for property sold by the Crown between 1670 and 1854, it does seem to me a most remarkable coincidence that there were claimed in 1670, within that boundary, 25,000 acres, and that in 1854 26,000 acres have established their common rights.

1658. Some of those lands were, were they not, expressly exempt from the regard of the forest by special charter and otherwise?—I cannot answer for special charters, because it would need a perusal of them. I can only answer for the practice and for the statement of the office. The office have stated that those yellow spots are free from forest law. Forest law has never been exercised on them; forest law has never been claimed on them until the year 1867, when Mr. Howard claimed it in his report.

Chairman.

1659. I understand you to say that until 1867 forest law had never been claimed on any portion of the land marked yellow within the boundary of the forest?—To the best of my belief, it never has; I believe there is no instance of any other right but the right of shooting being claimed over any part of those. The right of shooting is not a forestal right; but the number of the forestal rights is very large. I have done my best to inform myself of them, and I should be very glad to take any one of the forestal laws which you chose, and point out the truth of my statement.

Lord Henry Scott.

1660. The Committee has been asked to come to conclusions respecting the New Forest upon statements concerning other forests; a comparison has been made between the New Forest and other forests; do you think that such a comparison can be entertained?—I deprecate any such comparison, because the circumstances of each forest are so totally dissimilar from those of other forests that I do not believe those comparisons are worth mentioning; and I could take, so far as I know, one or two forests in which the circumstances are so totally different from the New Forest that they do not apply in any way. Besides that, even if the commoners in other forests had suffered from not looking after their interests, it is quite clear that the commoners are a scattered body, very incapable of managing their own interests, and it may be that in other forest the commoners have let slip their opportunities and lost their rights; but I do deprecate most earnestly the comparison that was endeavoured to be set up between other forests, especially between Dean and Woolmer and the

New

Lord Henry Scott—continued.

New Forest, both of which are directly contrary in every way to the New Forest.

1661. Has it not, in fact, been generally recommended that the New Forest should be dealt with specially?—As far as my knowledge of the Reports goes, I do not know anything to the contrary. In 1789 the Commissioners of that time directly recommended that the New Forest should not be inclosed. It is expressly excepted from the General Commons Inclosure Act; and the Committee of 1849, in their draft Report, recommended that it should not be dealt with in the same way as other forests, and again in 1854. I know of no instance in which it has not been held to be a very special case.

1662. After 1670, the first Act relating to the New Forest appears to be that of William the Third; do you wish to make any remark on that Statute?—I do not think that I have much to say about the Act of William the Third. It is upon that that the *toties quoties* question arises, and that I should rather treat as a separate point; it would save time, I think. But by Section 9, I would point out to the Committee, that fence month, which before the Act was simply a forest law, was made a statutable law in respect of rights of the commoners, and so also as to winter heyning. Whether winter heyning is a forest law I cannot say, but, at all events, it was treated by Section 9 of William the Third's Act; and by Section 10 (this is important to bear in mind) all grants of waste land were forbidden.

1663. What effect had these sections upon the rights of commoners?—The effect of these provisions will be best pointed out when we come to deal with the Act of 1851. I will simply point out now, that the words in this Act, "Can best be spared from the commons and highways," which have been referred to once or twice during this inquiry, have been repeated in every Bill and Act which had been passed about the New Forest inclosures up to the Bill of 1851. In the Bill of 1851, as originally introduced, those words were not to be found, but, except in that instance, those words have been repeated in every case.

1664. They were introduced subsequently into the Bill of 1851, were they not?—They were afterwards introduced, and now form part of the Act.

1665. What was the extent of the power of inclosing given under William the Third's Act?—There was the power of inclosing the 6,000 acres which we have heard of; but you will find that by the first section it was most specially enacted that it was to be gradual, so that the 6,000 acres could not be taken in before the lapse of 22 years. At the end of 22 years, had the Act been carried out in its power, the 6,000 acres would have been taken in; had the 6,000 acres not been taken in at the end of the 22 years there would be no power to take in any more; the power of inclosure would have lapsed and stopped.

1666. That was afterwards set to rights, was it not?—In the year, I think, 1812 or 1810, there was an Act of Parliament legalising certain illegal inclosures under William the Third's Act, and giving them further power of planting, but not increasing the acreage. It simply increased their power to this extent, that they were enabled to take the whole at once instead of going on by degrees.

1667. Is this Act of William the Third drawn
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Lord Henry Scott—continued.

upon the model of any other Act?—Yes; William the Third's Act is drawn upon one which has been discussed also before Parliament, that is the Act affecting Dean Forest, the Act of Charles the Second. That is evidently the pattern which has been followed in William the Third's Act. In Dean Forest 11,000 acres were to be taken forthwith, but in our larger forest, which is three times the size of the Forest of Dean, the acreage was not so great, and the power of taking forthwith was not given.

1668. Following on that Act, at least in 1789, there was, was there not, a Commission which made a report?—That is the Commission which I mentioned just now, as having reported, amongst other things, that this forest should be dealt with separately in consequence of its peculiar characteristics. The whole report, as has been already said, is a most valuable report; I think by far the best that has ever been written on the forest; and their principal recommendations seem to be these: 1. To ascertain the relative rights of the Crown and commoners. 2. To remove the deer. 3. To maintain forest law. 4. To set out a portion of wastes, over which the commoners might exercise their rights for the whole of the year. It virtually did away with fence month and winter heyning, but kept up the other forest laws for the preservation of timber and order.

1669. It contained some other suggestions, did it not?—It is a full report; but there is no other suggestion in it that I know of, which I need at this moment bring before the Committee.

1670. A Bill was brought in almost immediately after that, we have been told, namely, in 1792?—There was a Bill in 1792, which I have had very great work to find; but I succeeded in finding it in the British Museum at last. I do not know anything about the manuscript draft which I saw produced here; but I read it through in the British Museum, and its main features were these: to park the deer; to take 20,000 acres for planting; and to keep up the forest laws, with the exception of fence month and winter heyning, which were to be abandoned during the continuance of the inclosures; but the one point on which the Bill did not follow the recommendations of the Commissioners of 1789 was this, that it did not contain any provisions for ascertaining the rights of commoners.

1671. That was the recommendation that I referred to before. There was a recommendation of that commission to ascertain the rights of commoners?—Yes; I read it out in the abstract which I gave.

1672. Is there any thing in that Bill of 1792 which touches the *toties quoties* powers at all?—Yes. Section 4 of that Bill is upon that point; and the language of that section is different from the language of the Act of Will. 3, and from the language of the Act of Victoria, in the Deer Removal Act, as we call it.

1673. Are there any other statutes that you would wish further to refer to?—There is one statute to which I should like to refer; it is a statute which is very peculiar to our forest; I refer to an Act passed in 1799, the 39th & 40th Geo. 3, chap. 86. A power was taken by that Act to inclose land for growing hay for the deer in the winter. I believe I am right in saying that there is no such enactment in any other forest, making it legal to supply the deer in the forest with artificial food. I would remark upon that

Mr. Edinck.

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Mr. Esdaile.

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Lord Henry Scott—continued.

that statute, that this was the beginning of a new power on the part of the Crown, that is to say, a power to supply artificial food for the deer, so as to maintain more than the forest in its natural state would. And I am led to say that, because I heard Mr. Howard give evidence, and say, that the commoners are always encroaching upon the Crown, and that he really cannot stand it. Now, I am afraid that we have never had a chance of passing a single Act of Parliament from Charles the Second's time; while we have had the misfortune of having to meet many; and this is one instance, where they took power to grow hay for the deer, which, of course, gave them power to keep more deer than they naturally would, showing that the Crown have power, and the unhappy commoners have very little.

1674. Even with this assistance the deer, I think, died very largely in the forest, did they not?—I heard your Lordship put that question the other day; but I think you were mistaken as to the number. The largest number I know of on record was 300. The largest quantity of hay I have ever known supplied was 80 tons. But in 1848 the deer were in such a wretched state, notwithstanding the hay, in consequence of their trying to keep what is called an unlimited right of deer, that they could not supply any doe venison; and the warden returned that they were only fit for carrion.

1675. Was there not a power of sale also in this statute?—I forget whether the power of sale is in that statute, but it is in a statute within two years of that, if it is not in that one itself; and there they acquired, for the first time, the power of selling portions of waste of the forest, and thereby repealed (although the Act was not recited) that Section 10 of the Act of Will. 3, to which I called attention just now, which made the sale of forest lands illegal. That was another point which they gained by an Act of Parliament.

1676. You mentioned the statutes which relates to winter heyning, I think, did you not?—There is a statute which relates to winter heyning, the 59th Geo. 3, and the only point which I have got to remark about that is this: that whilst it was especially passed to make winter heyning more carefully observed, there is not one word of "fence month" in it, which is very remarkable; and it is my experience that the term "fence month" was not known in the forest up to 1851.

1677. I suppose you have read evidence that has been given before the Committee of the House of Commons in 1848 and 1849?—Yes, I have read those Blue Books, as I have just now stated; they seem to be very important for the present inquiry. Mr. Milner, as I read just now, was Commissioner of Works, and he was examined at great length. He had singularly long experience in the office in the duties of his department; and it seems to me that there are points in his evidence without considering which you can hardly come to a good conclusion.

1678. Could you give us those as shortly as possible, without going into them at too great length?—In his evidence of 1848 he illustrated the relative position of the Crown and the commoners by referring to the three sets of officers by whom the affairs of the New Forest were administered; those were these: first, the lord warden; secondly, the verderers; thirdly, the Office of Works. Then he shows the produce of the forest to be this: first, deer; secondly,

Lord Henry Scott—continued.

cattle feed; and thirdly, timber. The forest laws he divided into two; first, as to deer; secondly, as to timber. The deer were under the lord warden up to 1851, both were then abolished; so that it would appear that the timber laws remain, and the deer laws would probably have ceased if it had not been for a special enactment. Again, he states that forest laws could not be maintained (Q. 396), and would not be tolerated, and that the private freeholds within the limits of the forest were not subject to those laws (Q. 1729), that the owners of those lands were obliged to fence them to keep the deer out (Q. 1952-3), showing that those lands could not be within the regard of the forest, because it is one of the best known forest laws that you must not fence out the deer if you are within the regard of the forest; and therefore the acknowledging that all these owners of freehold lands did fence out, and went to great expense to fence out deer, shows that they were not within the regard of the forest. He also shows that deer were killed when trespassing upon those lands, unless composition was made (Q. 1980 and 1995); that timber and deer feed were the only produce of the forest in which the Crown was interested (Q. 1731 and 4634); and that it could receive no return from any portion of the forest but that which is inclosed, and from the timber in the open forest, whilst he considered (Q. 4626) that the deer were not only of the pecuniary value; but on the contrary, a great loss (Q. 4629 and 4630). The expenses of the warden's establishment were about 2,000*l.* a year. He also stated as his opinion that the commoners had such a valuable interest in the New Forest that in equity they ought to have their share in the proceeds of sales of forest lands, and that he considered a register of the common rights desirable (Q. 4726), and that he did not think that there was any struggle of interest between the Crown and the commoners (Q. 491).

1679. I think he gave further evidence in 1849, did he not?—Yes. In 1849 he states that the whole of New Park Farm was kept up for the sole purpose of raising hay for the deer (Q. 243). He gives his opinion that the rights of the commoners had not been sufficiently estimated (Q. 249), reckoning them as equivalent to from one-third to two-thirds of the whole value of the forest (Q. 251 and 252), and he goes fully into the gradual exercise of the powers of planting given by William the Third's Act (Q. 29, 33, 145, and 177), stating that the selection of sites for plantations should be made with consideration to "the equitable right of commoners to feed of cattle" (Q. 32).

1680. Is Mr. Milne in any way corroborated on these points by other evidence?—Mr. Milne is corroborated in almost every particular by independent evidence, such as Mr. Compton, then a verderer; also Mr. Cumberbatch, the deputy surveyor in 1854, bears him out; he says that the Crown would have no claim on the land once cleared of timber, and therefore he advocates its being immediately inclosed after the clearance (this is in 1854, at Question 2081), showing that the Crown without statute had only the timber of natural growth as their profit. And Mr. Howard also says in his 43rd Annual Report, 1865, "The Crown has no power to let any of the commonable lands (so as to interfere with the rights of common), or to turn to profit in any manner

Lord Henry Scott—continued.

manner except as nurseries for timber, as directed by Act of Parliament"; but Mr. Howard does not say that now.

1681. Practically, I suppose, lands have been sold and inclosed free from common rights?—Yes, they have, and directly contrary to the statute. I do not think there is any doubt about it.

1682. Was any other evidence given at that time, as to the relative value of the Crown and common rights?—Yes; the evidence given was by Mr. Clutton, which has been referred to. I was in the room the other day when he gave his evidence; he stated in 1849 that he reckoned the common rights as equal to half the forest, and upon that a great deal has been done: estates have been sold, estates have been bought, and generally that has been cited as an official declaration of the minimum.

1683. It would affect the value of sales, would it not?—It would affect the value immensely, especially of small properties.

Chairman.

1684. Will you give the question and answer where Mr. Clutton gave that evidence which you have just referred to?—It is contained in the evidence taken before Lord Duncan's Committee in 1849 (Questions 1513 to 1517). Mr. Hayter asks Mr. Clutton these questions: "Having ascertained the rights of common to be so much, over what portion of the forest do those rights of common extend; is there not some part excluded from the right of common?—A. I think 6,000 acres, which the Crown have a right to inclose, might be considered to belong to the Crown entirely. Q. Assuming for this purpose that the commoners have no right over 6,000 acres, at what should you value the rights of common over the rest of the forest?—A. I have always excluded the New Park, and the general inclosures of the keepers. Q. How much land have you excepted altogether?—A. Eight thousand three hundred acres. Q. Except those 8,300 acres, at what do you value the right of common upon the remainder of the forest?—A. I have deducted half the value of the forest for the common rights." He repeats that also at Question 1636, and in his report, which is in an Appendix to the same volume (Appendix R.), at page 505, he gives a table, at the bottom of which is this: "Deduct for the rights of commoners on the forest, if inclosed, half."

Lord Henry Scott.

1685. What value do you attach to that evidence as regards the Bill of 1851?—I attach a great deal of importance to it, for this reason, that I believe it was upon Mr. Clutton's valuation, as so expressed, that a certain number of acres that were put into the Crown Bill, to the Bill as it was brought into the House, I mean, were computed. It must have been computed on something. There was 14,000 acres stated in the Bill as the compensation for giving up the right of deer and other beasts of chase; that 14,000 acres must have been computed upon something. Mr. Clutton has told us that he was advising the Crown at that time; and therefore, of course, it was upon his computation that that 14,000 acres was put in, as I can show you by figures by-and-bye, I hope.

1686. Before we ask you any questions with regard to that Bill of 1851, is there any other reference which you wish to make?—I hardly

0.100.

Lord Henry Scott—continued.

know whether I may be allowed to refer to a report of 1850 which has been mentioned, but as it was only mentioned to fling it over on the part of the Office of Woods, I will only say that the report in 1850, which has been treated by subsequent reports of the Office of Woods as a substantial document, is in fact nothing but a report of the Solicitor of the Office of Woods himself; because there were no meetings held, and no inquiry made, in the year 1850 by that Commission; and Mr. Gardiner in 1868 told us that he himself was privy to it, and advised the whole matter about that report; I mention that because it has been brought out before; but it seems to me that the Office of Woods have flung over this report.

1687. What, then, in your opinion was the position of affairs when the notice for the Bill of 1851 was given?—Coming to the point of the position of affairs, it was simply this. First, the Crown had the freehold of the soil, and of the timber, and the produce of the deer; secondly, they had the power to plant 6,000 acres without having made any compensation to the commoners for that acreage; and thirdly, they had the power, when they chose, to exercise forest laws. On the other hand the commoners had, first, their freehold lands free from forest laws; and secondly, they had their ancient right of common attached to those lands, subject to being curtailed by the exercise of forest law at the will of the Crown. But in fact the forest laws were not exercised to curtail those common rights; and under a special Act, the commoners also were liable to have their cattle excluded during the winter. That was the way it stood in 1851, as far as I am able to abstract it.

Chairman.

1688. Have you spoken of fence month?—I have treated of the fence month when I have said that their old right of common was subject to be curtailed by the exercise of forest law. Fence month had never been heard of, but that they were subject to that I cannot deny.

Lord Henry Scott.

1689. It was never virtually exercised, as I understand you?—Not only not virtually exercised, but it was never exercised or heard of.

1690. Had any recommendations been made as to what ought to be done as to legislating for the New Forest?—Yes, there had been recommendations made to meet various difficulties with regard to the preservation of the timber, the expense of keeping the deer, the damage done by the deer, and the evil of deer stealing; and it was recommended, but it was in a draft Report which never passed into a final Report, first, that the deer should be removed; secondly, that forest laws should cease with their removal; thirdly, that the common rights should be inquired into and ascertained; and, fourthly, that it should no longer be necessary to grow oak only in the inclosures. That will be found at page 13 of the draft Report of 1849.

1691. In fact, that Report formed, did it not, to a great extent the groundwork for the Bill of 1851?—To some extent it did; but to a very large extent it did not. The Bill of 1851 was not entirely founded on those recommendations.

1692. Perhaps you will tell the Committee what your view is of what had been done up to 1851 under the planting powers given under

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William

Mr. Esdaile.

8 June 1875.

Mr. Bodalle.

Lord Henry Scott—continued.

8 June 1875.

William the Third's Act?—I will take Mr. Milne's evidence upon that point, as well as the return to Mr. Benham-Carter in 1867, and to Lord Nelson in 1866, and it appears from those that in 1851, the beginning of 1851, this had been done; 1,022 acres were planted about the year 1700; in 1808 there are only 1,100 acres inclosed; in 1816 the full quantity of 6,000 acres was taken in; in 1829, 1,100 acres were flung open, and the same quantity inclosed; from 1841 to 1847, 894 acres were flung open, and the like acreage taken in. That gives everything that was done in planting. That is drawn out in a table (*handing it in, vide Appendix*).

1693. About 12,000 acres in 150 years?—Yes, they had not quite made up 12,000 acres at the beginning of 1851.

1694. Perhaps you will now come to the Bill of 1851?—I have already called attention to Mr. Clutton's valuation in 1849; and I am anxious that the Committee should look to that, because we have got to call professional evidence upon that point; and a great deal seems to me to turn upon that. I will not go through it, but I merely refer to the fact that it is in his Report in 1849.

1695. You mean, do you not, what you have referred us to already?—What I have referred you to already, especially to the Report.

1596. I suppose you can give us now the substance of that Report, the quantity of land; or do you wish to postpone that part of the case?—I have no wish myself in the matter at all; I will state it at once. He divides the land into three several values; first, land which he puts at 10 s. an acre rental; secondly, land which he puts at 5 s. an acre rental; and thirdly, land which he puts at 1 s. 6 d. an acre rental, and half of the forest he considers worth 1 s. 6 d. an acre rental, and upon that valuation he bases certain calculations, to which I should like to refer specially.

Chairman.

1697. Is that a valuation of the land as subject to common rights, or is it the value of the land taken in severalty?—The valuation of the land in its then condition, subject to common rights.

Lord Henry Scott.

1698. What do you deduce from this as to the relative position of the Crown and the commoners in future?—I think really the whole question turns upon this point; because I shall venture to lay it down (it is almost a truism) as a principle for the consideration of the Committee, that although the character of the two interests in the forest may be changed (as, for example, in the case of the Crown's interest, a power of planting has taken the place of the power of keeping the deer under forest laws), yet unless the relative proportions of value, as they existed in 1850, are always preserved, an injustice will be done to that party whose interests are diminished to the advantage of the interests of the other. That is what I venture to think is the meaning of the petitioners in coming before this Committee, to show that that balance has been overturned by the Act of 1851, and by the way in which it has worked. I think it was referred to one day in better words than mine, when a reference was made to what was said in one of those Reports of 1789. That Report says, "It is obviously repugnant to every idea of justice and good policy that the rights of one party in any joint property

Lord Henry Scott—continued.

should be sacrificed to those of another;" those words were used in speaking of the joint interest of the commoners and the Crown.

1699. Do not those words immediately precede a passage in Mr. Howard's Report of 1867?—These are the words immediately preceding it, and they are left out; there was a colour, I suppose, about them that was not liked.

1700. I think the petition which is before us now refers specially, does it not, to the Bill of 1851. Before you answer that question, perhaps you would say whether you know how many signatures were attached to that petition?—I know within 100; I cannot tell you more than that; it is about 1,200 signatures. I believe there are two identical petitions which were sent up separately from various parts of the forest, and one has got 800 and odd signatures, and another something less than that number. I think I am right in saying about 1,200 altogether. The part of the petition referred to the Committee, which relates to the circumstances connected with the Bill of 1851 are Clauses 3, 4, 6, 7, and 8; and I think that the circumstances previous to, and at the time of, the passing of the Act were such that, in justice to the commoners, its provisions should be reviewed. I will not read the petition, as it is before you.

1701. The Act of 1851 is rather different, is it not, from the Bill as introduced?—The Bill as introduced was very different, especially in length. The Bill as introduced consisted only of nine clauses, the two last of which did not at all affect the principal matter; so that, as far as the forest went, the Bill consisted of seven clauses only; and it was altogether consistent with the notice given in the Gazette of 1850. It stated in the preamble that Her Majesty had consented to extinguish the right to "stock and keep the said forest stocked with deer and other beasts of the forest." It recited the Act of William the Third, only so far as it concerned the right of Her Majesty to inclose (not reciting it as it concerned the common rights). By Clause 2, it is declared that on the removal of the deer the right of Her Majesty to keep deer and other beasts of forest or chase should cease. By Clause 3, it gave power to inclose 14,000 acres in addition to the 6,000 under William the Third; but, as I said just now, the words "as may be best spared from the commons and highways," were not in it at that time, but were afterwards inserted. In Clause 7, the words "other beasts of the chase," come in after "deer." I might add that there does not appear to be any alteration in these sections of the Act which at all affects the position of the commoners, as compared with that which it would have been if the Bill had passed as it came in. Sections 10 to 42, as any Member of the Committee who has got the Act before him will see, are confined entirely to the formation of a tribunal to inquire into the common rights; and therefore the effect of the Bill really and truly is just the same as the effect of the Act, unless the words "other beasts of chase" have any effect, which I am not able to say.

1702. This has been rather questioned, has it not. Mr. Gardiner in 1868 said, did he not, that the Bill was entirely altered as he described it?—Mr. Gardiner in 1868, as appears by the Report, said this at Question 1042; he explains the circumstance of his saying that the forest would

Lord Henry Scott—continued.

would remain in the Crown simply as lord of the manor, by saying that the Bill came in nine clauses and went out 46; and he therefore led the Committee to believe that the insertion of the clauses between the numbers of 9 and 46, made his evidence, which was applicable to the nine clauses, inapplicable to the Act with 46. I venture to say, without any doubt, that that answer is totally delusive, and that no lawyer will dare to state that the clauses which were added affected Mr. Gardiner's evidence in the least.

1703. You have heard, I suppose, some statement of the negotiations which took place in 1851, with the Office of Woods?—Of my own knowledge, of course, I cannot state anything with regard to the negotiations in 1851; I only came to live in the forest at that time; what I do know, I know from statements made by those who were active in the matter. I know from the late Mr. Compton, and I know from Mr. Castleman (who is so ill, that I regret to say that he cannot possibly come to give evidence here), that their understanding was that when the deer were removed, all forest law would cease with deer. That I heard, and never had any doubt about, until the notice was issued by Mr. Kennedy in 1852. Mr. Castleman, I ought to mention, was examined in 1868, so that you can see what he says himself.

1704. Was not that very much the view of Lord Seymour; did he not take the same view in the debate?—Lord Seymour took exactly the same view. It may be as well to mention here, that I have got the shorthand writer's notes of what Lord Seymour did say, and also, I have copied out from "Hansard" the report of the debate which took place. This is the copy from "Hansard": "On the 2nd of June 1851, Mr. Grantley Berkley moved. That the Bill be read this day six months; Mr. Compton did not oppose the Bill, but considered that before the House adopted it, the rights of the commoners should be taken into consideration, and that there should be power to issue a commission to inquire." Lord Seymour then said this: "The only way to improve the property of the Crown forests was to get rid of the deer in the first instance, and with them the forest right. There were two sorts of claims, those within the forest, and those without, and according to the lowest estimate, these amounted to 600,000 £, while according to the highest estimate, they amounted to not less than 15,000,000 £." I am obliged to take the figures as I find them; they seem very remarkable. "He could not interfere with these claims, but thought it best to leave them to be decided in the ordinary way; his great object was to get rid of the deer"; and that was always understood to be the object of the Crown, and not the object of the commoners; the commoners did not care about the deer. Then there is another point, showing how unable the commoners were to take any effective steps to prevent their rights being injured by this legislation. I have the shorthand writer's note of a debate which took place on the question, "That the House should go into Committee," and the preamble being postponed, Sir Henry Willoughby asked this question, "In what way was the assent of the commoners obtained; was the arrangement agreed to by them at any public meeting held for the purpose?" then Lord Seymour

O.100.

Lord Henry Scott—continued.

replies, "The only way in which it could be ascertained, was by first ascertaining who the commoners were, and that involves the whole question as to the right of common, and would take some years to settle. It is impossible to ascertain the rights of all persons, and the only way that any information can be obtained, is through the verderers, and other gentlemen in the neighbourhood who have large common rights, and who are, of course, interested in favour of the commoners." The preamble was then put, and agreed to.

1705. From that you would, I suppose, draw the inference that the House passed that Bill in real ignorance of the extent of the value of the common rights?—It could not be otherwise: because Lord Seymour was at the head of the Office of Woods; he had more knowledge of them than anybody else; he had the whole of the forest officials to instruct him; and he said it was impossible for him to know; and he did not know; and it would take years to find out who had or had not rights; in fact, by those words, depreciating the common rights. If he did not know, nobody could know, and therefore of course Parliament could not know.

1706. And as regards the forest laws connected with the deer, and parted with at the same time that the deer were removed, the commoners had no other means, had they, of being guided on that than the evidence of Mr. Gardiner, and this speech of Lord Seymour's at the time?—And the evidence given in 1849. The evidence given in 1849, the recommendations then made, Lord Seymour's speech on introducing the Bill; the evidence of Mr. Gardiner when the Bill was before Committee (on which sat one of the Members for South Hants); and then this other speech of Lord Seymour's, which I have just read, all tended to show the commoners that the natural view of the matter was, that with the deer, all deer laws would cease; no other idea was held that I have any knowledge of.

1707. Are there any other forest laws not connected with the deer?—Yes, there are forest laws not connected with the deer which it might be very valuable to preserve, and I am in hopes that they will preserve them. I do not want to see the verderers' court done away with; I believe the magistrates would do as well; but there is a sentiment about the verderers' court. I believe they might be made a very useful court, with a little amplification, for the purpose of preserving the forest; but if the forest had been done away with in so many words by the Act, then all forest laws would have fallen; the verderers' court would have fallen with them, and with it all power to prevent encroachments on the wastes, and on the timber, and to prevent cattle of strangers being turned into the forest.

1708. Are there any other forest rights beyond those you have mentioned; you have stated nearly the whole of them, have you not?—I am afraid I have not, because there are a great number of forest laws; for instance, laws which prevent people grubbing their covers and building new houses, and a number of other forest laws, but those which I have mentioned are the main forest laws which affect the commoners.

1709. I was referring to the laws over the wastes?—I do not know that there are any laws over the wastes.

1710. In fact, the verderers' court is necessary

Mr. Biddle.

8 June 1875.

Mr. Balgail.

Lord Henry Scott—continued.

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sary for the preservation of the timber?—In the present state of the law; I do not say that it might not be handed over to the magistrates, but in the present state of the law it is necessary.

1711. Do you think that the commoners, as a body, understood how far their interests were affected by the Bill?—From what I have just stated I am quite sure that the commoners, as a body, did not; there was no public meeting held, and the understanding was that the deer were going to be done away with. I do not think they cared much whether they stayed or not; but if the deer were going to be done away with, they expected that the special law connected with them would be done away with too.

1712. What was the feeling in the forest after the Act was passed?—I do not know; I cannot tell you what the feeling of the forest was till after the time when the operation of the Act became better known. The first thing that drew the commoners' attention to it, the first thing that drew my attention, at all events, was seeing stuck up on a tree a notice that we were going to have all our cattle driven in fence month; that alarmed the commoners very much, and there was a great deal of agitation and tumult about it.

1713. You have just mentioned a notice that was issued; was that ever acted upon?—Never.

1714. So that the commoners have never virtually had experience of the exercise of the right which they never heard of before?—No. Fence month has never been exercised; winter heyning has. I heard Mr. Watson give evidence some time ago; I do not think he is quite right in

Lord Henry Scott—continued.

saying that the two laws stand on the same basis. They do to a certain extent; but winter heyning has been exercised, and fence month never was pretended to be exercised except by that notice; and I would venture to call the Committee's attention to the fact that it is worth while looking at the Minute in the annual Report of 1853, in which Mr. Kennedy orders the deputy surveyor to issue that notice.

Chairman.

1715. In what year did that take place?—It was in 1852 that it took place.

1716. The notice prohibiting, I mean?—The notice prohibiting was in August 1852, as soon as the fence month was passed.

Lord Henry Scott.

1717. It has been stated to us that the action taken by the commoners soon after the Act of 1851, showed that they fully knew of and accepted the fact that fence month should be exercised. Do you think that was the case?—No; I was struck with the number of petitions, quoted lately, about winter heyning. I have not seen all the petitions that I have heard mentioned in this room; but I took a careful note of them, and they were all about winter heyning. It is a singular instance to show how fence month was unknown, that all these petitions referred to never said a word about fence month; no one expected that the fence month would ever be enforced.

Friday, 11th June 1875.

MEMBERS PRESENT:

Mr. Alexander Brown.
Sir Charles Dilke.
Lord Eslington.
Sir William Harcourt.
Mr. John Stewart Hardy.
Colonel Kingscote.

Mr. Ernest Noel.
Mr. Ryder.
Lord Henry Scott.
Mr. William Henry Smith.
Mr. Cowper Temple.

WILLIAM HENRY SMITH, Esq., IN THE CHAIR.

Mr. WILLIAM CLEMENT DRAKE ESDAILE, re-called; and further Examined.

Lord Henry Scott.

1718. I THINK it would be convenient if you would put before us a little more fully than you have done the points as to Mr. Clutton's evidence in 1848 and 1849, bearing on the Bill of 1851?—I think it is important to consider Mr. Clutton's evidence at that time, with reference to what he has said before this Committee at the present time. He spoke the other day with considerable confidence on questions of law. He three times affirmed, as I took down, that the commoners never had their rights as of common law; but on being pressed by an honourable Member on my left (I think the Member for Cambridgeshire), he said that he did not mean to assert that. It is exactly the same course which was taken by the solicitor to the Woods, who eight or nine times reiterated that the commoners never had any common law right; but being equally pressed as to how he could substantiate that allegation, he also on cross-examination withdrew that portion of his evidence. Mr. Clutton has now confessedly acted on this view of the law; and therefore I wished to call attention to that before answering further questions. Mr. Clutton has brought forward an Opinion of counsel, on which he says he has formed his recent judgment, and has overturned his former judgment in 1849, the Opinion I mean that was given in 1810, upon Windsor Forests, by Sir Vicary Gibbs and Sir Thomas Plumer.

1719. That referred to Windsor Forest, you say?—That referred to Windsor Forest; and I wish to call attention to it in this way, that it appears set out also in the Sub-report of 1850 of what is called Lord Portman's Commission; and it is also set out in the Report of Mr. Howard in 1867. It being set out in 1850 in this Sub-report of Lord Portman's Commission, which Mr. Gardiner, the solicitor of the Woods, said he mainly drew, it is quite clear that that legal opinion was present in Mr. Gardiner's mind just at the time that he was preparing the Bill of 1851. And from that I would deduce this, that it seems almost impossible, certainly very improbable, that the surveyor and the solicitor, who together had the preparation of that Bill, should not have discussed

Lord Henry Scott—continued.

cussed that Opinion which certainly was being acted upon by the solicitor at the time.

1720. In Windsor Forest ³/₄nds was appor- tioned to the Crown for forestal law, was it not?—I believe so; I think I am right in saying so.

1721. Does that opinion affect in any way the position now of the commoners of the New Forest?—I do not think it does at all, because the point that it lays down is the law as it regards common rights supposed to be granted by special grant in consequence of the burden of forest law. Nobody can dispute that there are such special grants of common rights; but we claim our rights as of common law in the ordinary acceptance of common rights.

1722. That would be to a certain degree, I suppose, by the fact of large areas of property, entirely outside the boundaries of the forest having rights of common over it?—Yes. I would illustrate it by those two lines which were pointed out before. One is the extreme perambulation that ever was made, and which was immediately contracted to the inner perambulation; I think it was about the third year of Edward the First, that Mr. Cumberbatch told us, that that outer line represents. The inner line is the second perambulation which took place about 18 years afterwards, in consequence of the prerogative being supposed to have been unduly stretched. There are common rights attaching to the lands outside the present boundary of the forest, and they are outside the largest boundary ever made; and therefore those common rights could not have been granted by such special grant, because the forest law was never a burden on those properties.

Sir William Harcourt.

1723. Would you explain what the common rights are which are possessed by owners outside the boundaries of the forest?—The common rights are equally possessed by those outside as those in, and they comprehend the ordinary right of pasture for cattle levant and couchant.

1724. And how far outside the margin of the forest; I mean to what distance outside the boundary of the forest do rights extend within the

Mr. Esdaile.

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1875.

Mr. Esdaile.

Sir William Harcourt—continued.

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the forest; do you understand what I mean?—Yes; the rights extend, first of all, all over the forest, all rights; but there is no defined boundary of distance; because there may be on one spot some land which has no common rights at all, while its neighbour which is identically placed in relation to the forest, has them.

1725. Could you tell me what is the furthest distance off from the verge of the forest where anybody claims a right within the forest?—I think I might say (Mr. Cumberbatch is in the room, and would know better than I do) beyond the verge of anything laid down on that map before you. Parley, I believe, is beyond the verge.

Lord Henry Scott.

1726. To return to the point as to the principle upon which Mr. Clutton laid down the value of forestal rights, would you state to us what that principle was?—I understood Mr. Clutton to say that he is a surveyor employed from time to time by the Crown; but I also understood him to allow that he was virtually the regular adviser, as surveyor, of the Crown upon the points within his particular business. The compensation for forest rights, or rather (or forest laws, would seem in all cases of disafforestation to be for the barest possible right, and in all forests would probably proceed upon almost identical principles. It is not like the right of soil, which varies with the timber and the quality of the soil, but the right to keep deer, which is the forest right, would be very near identical, I do not say entirely identical, in all forests. It may be very difficult to say what the money value of such an unfinancial matter as the right to keep deer would be; but when it is once fixed it would apply to most forests. Now Mr. Clutton lays down the principles of his valuation in this way, that he values those forest laws upon what he understands to be forest law from communication with the solicitor. He is not a lawyer; but he, as a surveyor, and the solicitor, as a lawyer, must join together and consult before he puts on any value upon such a right, he taking the law from the solicitor. In the case of a common, where there are extensive rights, he must also take the extent of the commons from the solicitor. Having taken the law and the circumstances of each case, Mr. Clutton proceeds as surveyor to lay down his idea of apportionment. This is the only practical way in which it can be done; it is the way it was done in the present inquiry; it was so in 1851; it was so in 1868. Mr. Clutton and the solicitor were acting together then, and we find, from the evidence now, that in the same way they are acting together; and it must be so always.

1727. I find, looking on the bill of costs put in by Mr. Watson, that on the 3rd June 1851, there is an entry to this effect: "Attending Lord Seymour at the Office of Woods; conferring as to the further progress of this Bill, and the evidence to be procured in support of it before the Select Committee, when his Lordship authorised our instructing Mr. Clutton thereon;" and there is also at page 4 of the same paper, on the 26th of June, this entry: "Writing to Mr. Clutton, requesting to see him as to the evidence to be given by him;" then the next item is: "Attending Mr. Clutton and Mr. Cumberbatch in a long conference on the evidence to be given

Lord Henry Scott—continued.

to-day by the former before the Committee;" that, I suppose, would just confirm your view?—Quite so. That shows that they were in communication; and Mr. Clutton said himself that it was so.

1728. Do you consider that Mr. Clutton is in a position to judge as to what is or is not forest law?—No; I have just said that I do not think Mr. Clutton is. He did constitute himself a judge of forest law at the beginning of his examination the other day; but when pressed, he said, quite properly, that he was a surveyor and not a lawyer, and he declined to answer legal questions in so many words.

1729. Mr. Clutton was consulted as to the Bill of 1851, but did not give evidence?—So he said; that he was prepared to give evidence. And that is one point that I would call the Committee's attention to, that if he was prepared to give evidence in 1851, and it so happened that he was not called, it necessarily follows that he must have been in communication with the solicitor to the Wood's Office, and prepared to endorse the evidence which Mr. Gardiner gave; for we cannot presume that after conference he was going into the witness box to contradict him; therefore I say that Mr. Clutton was prepared in 1851 to endorse what Mr. Gardiner said before the Committee of the House; and in that way alone can we account for what is put into the Bill. Your Lordship will find, and the Committee will find, in the original print of the Bill, 14,000 acres suggested as a compensation. Now, that must either have been put in at haphazard or put in on computation; of course it was put in on computation; and whose computation was it? of course the surveyor's; and of course it was made upon the law given him by the solicitor; and therefore the 14,000 acres was put in by Mr. Clutton. And I think I shall be able to show presently that that 14,000 acres exactly balances, or as near as can be balances, what he said about the half belonging to the commoners. I should like to call your attention to Mr. Clutton's evidence. He says this: that he did not take the forest law into consideration; he says now that he treated the whole case as the case of a lord of the manor. I think I am right in saying so; it will be in the recollection of the Committee; that is what I understood him to say. I cannot do more than say that the printed evidence in 1849 is directly contrary to Mr. Clutton's evidence now in 1875; and I would read these answers from the report of 1849, beginning at Questions 1505: "That comprises the value of the rights of the commoners?—(A.) It does.—(Q.) Are you aware what proportion in inclosures, having analogous rights to the rights in the New Forest, have been allotted to commoners in respect of those rights?—(A.) I have ascertained that it has varied to some extent. (Q.) To what extent has it varied?—(A.) I believe between a third and a half, and I believe the commoners, in some instances, have had more than a half. (Mr. Pusey.) What inclosures have you in your mind when you speak of inclosures having analogous rights to those in the New Forest?—(A.) Inclosures made under Acts of Parliament of forests. (Q.) Were they cases of Crown forests, where there was a right of turning out cattle?—(A.) Yes; and I think I could point out commons in which the interest of the lord

Lord Henry Scott—continued.

lord of the manor would be much more than a half." Therefore in those words he says that he had before him the cases of Crown forests which had been before disafforested and dealt with, and that he took them into his consideration. He now says that he dealt with it entirely in ignorance of all forest law.

1730. Then you suggest that the circumstances of 1851 show that Mr. Clutton and the then solicitor of the Office of Woods had agreed as to the details of the Bill?—I have already said so.

1731. But I suppose you are aware that Mr. Clutton has withdrawn these figures?—I was in the room when he did so; I heard him withdraw his figures as to the proportionate allotments between Crown and commoners in the case of a division, but I think he said that he did not withdraw his figures as to the various qualities of the soil. It is probable that the whole of his valuation is at a low figure; but as that applies both to the Crown interest and to the commoners' interest it will not affect this inquiry; but it is perfectly certain that forestal rights must have been in Mr. Clutton's mind, because otherwise how could he give so large a compensation as one half for the right of soil only. Mr. Gardiner tells us (and I take Mr. Gardiner and Mr. Clutton as one), in 1851, that one-fourteenth or one-sixteenth is the usual allotment to the lord of a manor. Mr. Clutton says, "I was dealing with it only as the case of a lord of a manor, and yet I asked half." He must have had other circumstances in his mind on which to base his computation or else he could not have arrived at that proportion; he had also another thing to guide him, he had the Railway Act by which the money for which the land was sold was directed to be laid out to the mutual advantage of the two parties.

1732. That would be half to each, I suppose?—Unless another proportion is put down, I should reckon that "mutual" must mean "equal."

1733. You said that his figures in 1849 were against his present statement, did not you?—I said so; and without wearying the Committee with the figures, I may say that I have them before me, and shall be happy to answer questions on them; but I will state the result of the figures. Taking Mr. Clutton's estimate of the rental, and that 30,000 acres are useless, and that there are 15,000 acres at 5s. rental, and 12,600 acres at 10s. rental, 14,000 acres taken at his figures brings out a sum, which with one-sixteenth for the right of soil, almost exactly makes half. The value of 14,000 acres inserted in the Bill, is a sum which, added to one-sixteenth, the Crown retaining their right of soil, makes up almost exactly Mr. Clutton's half.

Mr. Ernest Noel.

1734. Do you include the 6,000 acres that they had a right to previously?—No, I do not include that; because Mr. Clutton says that he puts that altogether aside as belonging to the Crown, exactly the same as their freeholds. I dispute that point with him, of course; but as he puts it aside, I must, for the purpose of my present argument (which is to show that Mr. Clutton did make an apportionment on account of the forest law), take his figures, and show that that, after taking away 6,000 acres, gives exactly the value, which, added to one-sixteenth, makes Mr. Clutton's figures half.

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Lord Eslington.

1735. Taking those 14,000 acres at what price?—At an average value; between 5s. and 10s. Taking 14,000 acres at the average value of 7s. 6d. an acre, at 25 years' purchase, which is Mr. Clutton's estimate, it comes out 131,250*l.*, leaving a balance to come to the Crown of 22,575*l.*, which is a little more than the one-sixteenth, which would belong to them for the right of soil.

Lord Henry Scott.

1736. That being half the value of the whole forest?—That amounting to what Mr. Clutton put as the half value of the forest.

1737. Do you agree with his last view of allotment, namely, four-fifths for the deer feed?—Certainly not. He has now taken up a new valuation, which he says is based upon a new view of the law. I presume that if there is another solicitor who takes office with another view of the law, Mr. Clutton will have a third valuation to make, and so will vary his valuation according to the law which he takes from various solicitors. But those four-fifths of the forest just work out in this way: the right to keep deer at four-fifths, and the right of soil at one-sixteenth, come to seven-eighths of the forest. The Crown say that notwithstanding the removal of the deer, they have got a claim for forest law which is preserved to them, notwithstanding the removal of the deer. They would be very sorry to take, I suppose, one-eighth for the forest land which remains; but unfortunately it is all that the forest has got to give, because, according to Mr. Clutton's estimate, they have got seven-eighths already on the two former heads, and therefore he will be very badly remunerated by his one-eighth; but we cannot help that, because it would swallow up the whole.

1738. Though he repudiated the idea that he was a lawyer, yet he took his law from what had been given him?—He based the whole of his calculations upon the law which had been given him; and till he had, if I may say so, been pulled up, he laid down the law. We rather prefer to act on Lord Justice Mellish's opinion.

1739. What do you say as to Mr. Clutton's view, which you may have heard him state the other day, as to his present idea of the value of the right to keep deer?—I have already treated of his present view, and I have nothing more to say on that point. I heard him speak about 15,000 acres as a sort of maximum which we might expect to be given us. As to that, I would say, that taking 15,000 acres of land, 10,000 acres of which is bare heath, and a great part of the rest of which might be covered with timber, the cattle of 65,000 acres would fare very badly on 15,000 acres of heath; and thus it carries its own refutation. He says also that he would set it out in blocks near the population. If you will look at the map you will see how impossible it is to set it out in blocks near the population. How are the people on the other side of the water to turn out their cattle in the morning into a convenient block for them? how are the people at Redbridge, where there is a whole line of inclosure, to find a block to turn out there? It is impracticable, that matter of blocks. Inclosure may be practicable, but that is impracticable; it is also very delusive to assert that 15,000 acres can possibly

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sibly represent the feeding rights of cattle on 65,000 acres of private land.

1740. I observe, looking at the map, and those spots in the forest coloured yellow, that Lyndhurst, for instance, seems to be pretty well surrounded?—Yes; that would also apply to Beaulieu and Exbury. The pink on each side of them, I venture to think, is some of the worst land in the forest, and I do not quite know what the tenants of those 10,000 or 12,000 acres are going to do with their cattle on Beaulieu Heath.

Mr. Ernest Noel.

1741. Do the cattle from Beaulieu go to the other, the northern parts of the forest?—I presume so; I can only answer for my own part of the country; I know that cattle from Burley go, and are, in fact, sent miles away for the purpose of getting to the pasture.

Lord Henry Scott.

1742. Mr. Clutton gave some evidence in 1868, I think. Did he allude then to any change of view as to his valuation in 1849?—It is very remarkable to notice this: Mr. Clutton gave this estimate in 1849; as I said last time, on that estimate we have been led to believe that our minimum was what he laid down; we looked upon it as a Crown estimate, and therefore a low one; he was called in 1854 before a House of Commons Committee; he was questioned on that very point, and he never dropped a hint at that moment that his estimate, which he gave in 1849 was a wrong one; in 1868 he was again before Parliament in the House of Lords; the question as to the value of the rights was then being discussed and inquired into; Mr. Clutton was called, and gave evidence, and he never dropped a hint that his estimate of 1849 was wrong.

Sir William Harcourt.

1743. What did he estimate in 1849?—Speaking roundly, he estimated that half of the forest would have to be given to the commoners in case of inclosure; he now says that the whole of that estimate was wrong; he reckons, in fact, that the whole amount ought to be given to the Crown; the question which arises is this (and we commoners, we feel it very much indeed), if a Government servant gives out publicly, as the head of his profession, a certain valuation of lands which attach to private property, and then twice comes before a committee of the Legislature, and never drops a hint on the subject, is it not natural that we should think it extremely hard that years after, when there is a struggle going on (he spoke on the former occasions *ante litem motam*) between the commoners and the Crown, he should then shift his ground.

Lord Eslington.

1744. As Mr. Clutton is not here, it is only fair to ask this question: did not Mr. Clutton, in reply to a question from myself, distinctly deny that he was a Government servant?—He distinctly denied that he was a permanent Government servant, and said that he would not serve the Government upon any terms except on independent terms; but what I say is, that practically, he is the Government surveyor, who is always consulted in the matter of forests; it is something like the case of a Queen's Counsel,

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who is not a permanent servant to the Government, but is always consulted by them.

Lord Henry Scott.

1745. Is it a fact that whenever he has been called, ever since 1848 and 1849, down to the present moment, he has appeared on behalf of the Crown?—I have never known him appear otherwise than on behalf of the Crown in the case of forests.

1746. Taking the result of Mr. Clutton's evidence as proposing to grant 15,000 acres as a regulated pasture for the commoners, what would that amount to as regards the acreage of private property?—It would amount to a quarter of an acre for each acre of land capable of keeping cattle. I would point out also this to honourable Members who look at that map, that Mr. Clutton says that the common rights allotments ought to be used as an open regulated pasture; he has also suggested that the Crown allotment might very well be kept open for public use; yet his whole theory is built upon the necessity for inclosure; the necessity for inclosure, when you look at it as a whole, but when it is divided into halves, the two halves, according to him, need not be enclosed. I cannot see how the population are going to be ameliorated under those circumstances.

1747. Will you pass on now to 1854 (I think we have disposed of the Bill of 1851 so far), when the commissioners were appointed to inquire into the common rights. First, will you tell us after the notice as to forest law was issued in 1852, what was the next action of the Crown which touched the procedure under the Act of 1851?—The next matter which strikes me is the letter which we have heard of from the deputy surveyor more than once, which was written in the year 1853. That was the commencement of the policy which has been consistently followed, and has been avowed in this room not long ago, as being the right and true policy for the Crown to follow, that not only should the power given by the Act of 1851 be used for the purpose of growing timber and other trees, for the use of the country, but that it should also be used as a means of diminishing the commoners' rights with a view at the proper moment to get an inclosure; and that was followed by the meeting of the new commission, which I think you alluded to in your question.

1748. What took place at the first meeting of that commission?—The commissioners met in the autumn of 1854, and the Government was represented by counsel, and by a solicitor instructing counsel, the solicitor being Mr. Gardiner, and the counsel being Mr. Phinn, who was also counsel for the Bill in 1851. Mr. Phinn, in opening the proceedings, laid down the position of the Crown and commoners, of course on the instructions of Mr. Gardiner; and he laid down (there is a printed report of all this), first, that the limits of the forest in 1670 were identical with those in Edward the First's time; he then laid down that in 1670 there were only 5,000 acres of private land within the forest claiming common, whilst there were now 25,000; that the Crown had been robbed of 20,000 acres since 1670 by landowners within the limits of the forest; that notwithstanding the Act of 1851 the forest was to all intents and purposes a forest, and might be

Lord Henry Scott—continued.

be peopled with bears and wolves; that the Crown had a perfect right to sell lands intermixed with other lands to the extent of 1,000 acres at each time, and that it did not signify a farthing to the Crown whether, if they inclosed all the valuable lands, the rights of the commoners were divided between 10 or 1,000; which is also the policy laid down in Mr. Cumberbatch's letter of 1853.

1749. I presume you contest these statements?—I need not say that I will show you presently that almost every one of them is inaccurate. To begin with the second statement, namely, that in 1670 there were only 5,000 acres of private land within the forest claiming common; that is answered in one word; the manor of Beaulieu alone is 9,000 acres within a few acres, I believe; I speak with a better authority before me.

1750. Between 8,000 and 9,000 acres is it not?—Between 8,000 and 9,000 acres. The land in my own smaller place is 1,000 acres; Minestead, I suppose, is 2,000 acres; and so on. That shows that it is impossible that it could have been 5,000 acres only in the reign of Charles the Second; and it is equally impossible, considering that the boundaries are the same, that the people who lived inside should have stolen 20,000 acres of land. I suppose the statement was thought to be useful; it was made on the authority of the Sub-report in 1850, of which Mr. Gardiner was the author.

1751. A very simple way of getting at that was this; that in fact the acreage of the land for which claims of common were made in 1670 was very nearly identical with that of the claims which were proved in 1854?—Almost as soon as I saw this statement, when I had the opportunity, I went into the claims of 1854 when they were published, and I found that the acreage in the old claims of Charles the Second is just identical with the acreage proved now, and it is in this way: there were 7,000 odd acres enumerated in the claims of Charles the Second's time, and nine manors of which the acreage was not mentioned. I have taken the trouble of ascertaining what the acreage of those nine manors is, Beaulieu being one; and I find, adding the acreage to the enumerated acreage of the smaller holdings, that it comes to 25,000 acres in round numbers, and so the two tally. Therefore to say that rights of common were only claimed in Charles the Second's time for 5,000 acres of private land is decidedly an inaccuracy.

1752. The Commissioners, I think, then, proceeded to adjudicate upon the rights of common; have you anything to say with respect to the manner in which that question was adjudicated?—Yes, I have one or two remarks to make. The first is, that the result of the inquiry was that more than 65,000 acres of land were found to be entitled to pasturage, and the whole forest is less than 64,000 acres, with 30,000 acres of worthless heath; and it is quite clear that the cattle of 65,000 acres, if all on at one time, could not find sufficient pasture, even without inclosures at all, upon that acreage; and then, secondly, there are two-thirds of the acreage to which common rights attached beyond the limits of the forest; and so it is inconsistent with the present theory which has been propounded here, that those rights were given in consequence of the burden of forest law. But mainly I would call attention to this, that in 0.100.

Lord Henry Scott—continued.

the Report of 1867 it was stated, and again I heard the solicitor to the Office give this evidence here, that we ought not to go behind this matter, because the Commissioners, in 1854, came to a judicial decision that these rights were subject to forest law. Now that is not so; if honourable Members will look at the 28th section of the 17 & 18 Vict. c. 49, under which those Commissioners were appointed, they will find that they were limited in their powers to inquire into the rights as they existed in 1851, subject to forest laws. They were confined in their powers, I say, and they had no power to adjudicate as to whether the Land A. was subject to forest law or the Land B.; but they were directed by that section to find all common rights subject to forest law, as there is no doubt they were in 1851, and therefore that is not an adjudication upon the matter, and should not be described as such.

1753. Did they follow in any way the Act of William the Third in giving their decision?—It was in accordance with the Act of William, of course.

1754. You were stating just now that they claimed the right to sell land up to 1,000 acres, free from common rights; is that so?—No, there is no such power at all; there is not a suggestion of such a power anywhere else, and I presume it is a mistake for this, that there was a power to sell up to 1,000 £. worth, but not free from common rights. Mr. Phinn has changed that, by an error I expect, into a power to sell up to the extent of 1,000 acres, and to clear those 1,000 acres from common rights.

1755. Have you any other examples of that policy to give us?—I think I have mentioned them all; I would add that Mr. Cumberbatch, in 1854, was examined, and he maintained by his evidence that policy which had been expressed in his letter to be the right one.

1756. I think the next matter that affected the forest was the Bill of 1861, was it not?—There was a Bill in 1861; I heard it stated that that Bill was brought in by the desire of certain landowners. I have never heard who those landowners are, but a very slight glance at the map will show that the body of commoners never could have suggested such a Bill. For this reason; it proposed to give the office of woods (the commoners then held their rights free from payments) power to appoint officers to look after the pasturage; Her Majesty to appoint the officers to charge a fee for all cattle turned out, which fee is enacted should be taken as part of the revenue of the Crown; and it proposed to extend the Act of the 59th of George the Third, which was simply an Act touching winter heyning, so as to embrace fence month, and make it illegal by Statute, and enable them to take a fee for the cattle which were in the forest in that month. The Bill was opposed by the only meeting which was held, that I have heard of, and I have made every inquiry; and Mr. Howard has read here a letter to us, in which he states that we cannot expect any more such valuable concessions from the Crown as were contained in the Bill; I have never heard any commoners grumble at having lost them.

1757. I suppose we may dispose of that Bill of 1861, as it was withdrawn on opposition; but I should like to ask you this question; about that time some steps were taken as to drift in the forest,

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Lord Henry Scott—continued.

forest, were there not, for the purpose of driving cattle of strangers out?—The verderers in the course, as I believe, of their usual duty (which I am not competent to speak of further as a matter of general knowledge), take drift from time to time in the forest for the purpose of excluding the cattle of strangers; they are driven into a pound; that is to say, the cattle of those who have not common rights are impounded, and the owners fined, and the commoners' cattle returned again into the forest. Of course it is of importance to the commoners that this should be so, or else there is no means of stopping strangers from all parts of the country turning their animals in. On the verderers proposing to do this, in 1853, I think it was, they were not permitted to do so; the Office of Woods interfered to prevent the drift taking place, and would not permit the keepers to take the usual part in it. Therefore the commoners were then left at the mercy of anybody who chose to turn cattle in; and so far this was another step towards the deterioration of their rights.

1758. And the verderers cannot make a drift without the assistance of the forest officers, can they?—They have no servants to do so, and it has been always the custom to call upon the forest officers to do so.

1759. Then if the forest officers declined to assist them, they have no power of carrying it out?—Then they cannot drive, and they never have driven; at least they did not on that occasion drive, and I have not heard of a drift since. What they did was this (I have this from Mr. Compton, who is gone): they took the opinion of counsel as to what steps they ought to take, and what power they had as verderers; they took the opinion of Sir Montague Smith, and that opinion was sent to various landowners, together with the circular letter which Mr. Stead read the other day; and his opinion was to this effect; that in such an anomalous state as the forest was in, being claimed as a forest without any deer, half the laws gone and half remaining, he could not advise the verderers to take steps to enforce their powers; and there have been no drifts, therefore, since.

1760. Have the officers of the forest refused to give their assistance?—I do not know that of my own knowledge, but I have never known a drift take place since; I knew many before.

1761. I understand that in 1853 they were stopped in the exercise of their power of making a drift?—That is just what I have said.

1762. The next Bill, I think, that we have had noticed to us affecting the forest is the Bill of 1866; is there anything you wish to say as to the Bill of 1866?—There was another Bill, or rather not a Bill, but clauses in a Bill, again promoted by the Crown which affected the commoners and affected the forest. Under the Deer Removal Act, Section 9, the power of managing the sporting was this: Her Majesty was to issue licenses under her Sign Manual, to those whom she choose, to shoot in the forest; and in consequence of that arrangement I had the privilege, as well as other residents, of shooting in the forest at a nominal fee which went to a charitable fund; it was an entrance fee of 5*l.* and 1*l.* a year, which all went to a fund for keepers' widows, I believe. In that Bill of 1866 they proposed to repeal the Deer Removal Act as far

Lord Henry Scott—continued.

as that goes, and that was the first infringement of, or beginning of altering, the Deer Removal Act; they proposed repeal to that and take power to lease the forest for shooting, that power being against the law as laid down in the 10th of George the Fourth, chapter 50. There was no notice whatever of this Bill given, it was a Crown Bill in which private property was interested, but there was no notice in the "*Gazette*," and I can answer for myself that having a moderate acquaintance with Members of Parliament, I never heard of the clauses, and they never attracted any attention till the Bill had passed the House of Commons, and then by an accidental communication I heard that the forest shooting was going to be let.

Sir William Harcourt.

1763. Will you explain what you have just said, that it affected private property?—The leasing of the shooting would affect private property in this way, that we had a certain interest in the forest, such as right of common, and the leasing of the shooting would materially, as we think, have affected those common rights.

1764. How would the Crown differ in respect of the right of sporting from any lord of a manor having the right over an ordinary manor?—It differed because the way in which they should exercise it was laid down by Act of Parliament.

1765. Will you just explain that. I suppose you would admit that a lord of the manor could lease the shooting of the manor?—Yes.

1766. I want to know why the Crown was in a different position?—In consequence of certain Statutes. The 10th of George the Fourth, chapter 50, lays down that no forests or parts of forests shall be leased; and then in 1851 this became law, the 9th section of 14 & 15 Vict. c. 76: "That it shall be lawful for Her Majesty, Her heirs and successors, by warrant under the Royal Sign Manual, to give and grant licenses to any person or persons to hunt, hawk, fish, and fowl upon and over the said forest." It therefore was only exercisable by way of license; possibly there might have been a concurrent right of license, but only of license, in the Commissioners of Woods.

Lord Henry Scott.

1767. Was there no proposal to let the shooting as a whole for a certain sum?—As soon as the thing became known, there was a meeting; and finding that the Bill had passed the House of Commons, and that there was apparently no chance of meeting the enactment, we asked Mr. Howard if he would let us the shooting as a shooting club, hoping that it would not be let to strangers, but that if it must be let he would let it to the residents. The answer given in the most kind way, was that he would be very happy to meet our wishes, and that the rental was to be 2,000*l.* a year. I need not say that the shooting club fell through immediately.

1768. What is got for the licenses now is between 700*l.* and 800*l.* a year, is it not?—Between 600*l.*, 700*l.*, and 800*l.*; somewhere thereabouts.

1769. So that in fact, now the licenses bring in more to the Crown, do they not, than the deer ever did during the time they were in the forest?

—Well,

Lord Henry Scott—continued.

—Well, I do not know that the deer brought anything in; I should add that, when our gun club fell through, we immediately instituted an opposition in the House of Lords against the clauses, which opposition we were so successful in that they did not pass, and a clause was put in which we could not oppose, transferring from Her Majesty to the Commissioners of Woods the power to license. The proposal at first was that in that clause should be "for a money consideration;" that was opposed; we objected to anything being put in in the way of "money consideration;" that was struck out, and it simply stands now, in the Crown Lands Act, that they shall have power to license.

1770. Letting them fix what price they like? —They have power to take what they like.

1771. It was about this time that the association that you have alluded to was formed, was it not?—I believe so. This meeting about the shooting rights, and the report of the whole forest being turned into a large game preserve, at the same time that nearly 8,000 acres were passed in one lump for inclosure, rather stirred us up down there, and it resulted in the association.

1772. It was just following upon the Bill of 1866 that the Report of 1867, of which we have heard so much, was issued?—Yes.

1773. Is there anything which you specially wish to notice in regard to that report without going into too much detail. I will put this general question on the point; does it not, to a very great extent, reiterate Mr. Phinn's arguments?—No, I cannot say that, because Mr. Howard in his report did not go nearly so far as counsel did before the Commissioners; but to some extent it did reiterate Mr. Phinn's arguments, but there are some points which I would just call attention to; certainly I should like to call attention to this one point, if to no other, that in the first page of that report, for the first time, and also in advance of what Mr. Phinn had done, he claims forestal rights over the whole of those yellow marks within the forest. It is the first time that that claim has ever been made. The words are these: "The New Forest contains rather more than 91,000, of which about 2,100 acres are the absolute property of the Crown, free from all rights of common, and about 26,000 acres are private property, subject to the forestal rights of the Crown." Also, on the same page, he quotes the opinion of Sir Vicary Gibbs, and he goes strongly into the great power that the unlimited right of keeping deer gives the Crown. Certainly, as a rule, they have an unlimited right; but, practically, the right limits itself, because the deer cannot live on the soil of the forest above a certain number, and when that number is reached they die in the winter. The consequence is that the forest will only support such a number of deer in the winter as can very well live in union with the commoners' cattle in the summer. Therefore the unlimited right to keep deer is true in the abstract; but, in practice, it will not go beyond a certain number.

1774. Moreover, the Crown has no right to drive the commoners' cattle out of the forest, except at specified times of the year, has it?—The Crown has no right to turn the cattle out except at a specified time of the year, which is fence month.

.0.100.

Lord Henry Scott—continued.

1775. And winter heyning by statute?—And winter heyning by statute.

1776. The fact would be that the enjoyment of the rights of the commoners would be during the best time of the year?—Quite so; in the report of 1848, at Question 1926, and also Questions 2503—2506, it is stated that at one time the does became little better than carrion, owing to the number which were tried to be kept in the winter; and in a letter from the warden, Mr. Sturges Bourne, it is said that the does are not fit to kill for food (Report of 1848, page 301); complaint was made of the number in the forest, and there was a reduction (Question 458). In the Report of the Land Revenue Commissioners of 1789, it is said that "the forest is so much overstocked with deer that many die yearly of want in the winter, and not less than 300 died in one walk only in the winter of 1787."

1777. Do you find that Mr. Howard recommends disafforestation in that report of his?—He does.

1778. Therefore that, connected with the recommendation which is adopted by the deputy surveyor, would make the recommendation of the deputy surveyor, with regard to taking the best land, all the more alarming to the commoners, would it not?—I think so.

1779. I think in Mr. Howard's report he also states that it was in fact a compact in 1851, did he not?—I am not aware that he does. If you are leaving that report I would only allude to this, that there is in it a very long quotation from the Act of William the Third, in which by some error words are introduced which give a totally different meaning to the Act as it stands, and affect the question of *toties quoties*, to which I will not allude now.

1780. With regard to that point of *toties quoties*, you wish to refer to that afterwards?—I would rather deal with that quite separately.

1781. What took place in the actual management of the forest after the presentation of this report of 1867?—I should like, before I answer that question, to point out the great importance of that claim of forest law over private estates; and that has assumed greater importance since this inquiry began, for this reason, that I heard Mr. Howard, whose name is attached to that report, say that he was not responsible for the statements of law which were contained in his reports; and notwithstanding this attack against private property (because it is nothing else), he declines being bound by his legal statements, and places the whole responsibility on the shoulders of the solicitor. It is his name which gave the value to that statement; it is his name which will continue to give the value to it, if it is ever going to be fought; and he does not really know now that that claim has been retracted. It is, as a matter of fact, left out in a subsequent report of his in 1871, but Mr. Howard does not know it.

Lord Eslington.

1782. You are aware that the Committee have not had an opportunity, owing to accidental circumstances, of cross-examining the solicitor on that point?—I know that he is not through his examination.

Chairman.

1783. Will you refer to the two Reports. In the Report of 1867, the third paragraph states: s 4

"The

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Chairman—continued.

"The New Forest contains rather more than 91,000 acres, of which about 2,100 acres are the absolute property of the Crown, free from all rights of the Crown, and about 26,000 acres are private property, subject to the forestal rights of the Crown;" and the third paragraph of the Report of the 8th June 1871, states: "As regards about 26,000 acres of that quantity, the soil is the property of private landowners"?—That is exactly the point which I call your attention to; it is word for word the same as the 1867 report, with those words, "subject to the forestal rights of the Crown, struck out.

Lord Henry Scott.

1784. The two Reports are to a great extent identical, are they not?—Word for word in a great portion of them.

1785. The latter part of the Report of 1871, I think, dealing with a new subject matter?—Yes, dealing with a Parliamentary subject.

1786. That Parliamentary subject being the result of the action taken in Parliament by the Resolution of the House of Commons passed in 1870?—Yes.

1787. Then the next thing which occurred was the Bill of 1871, was it not?—Yes.

1788. Is there anything you wish to say with reference to that Bill; if there is any very material point, will you bring it before us?—I will only mention two circumstances, namely, that one of the enactments was that all planted lands should be assigned to the Crown, and another was that the words of the statute, which we are advised to take as meaning only planting twice, should be taken as *toties quoties*; and there is also a power to exclude the public by bye-laws.

1789. You mean from the commoners' allotments?—Yes.

1790. Did the commoners propose to exclude the public in that way?—No.

1791. I think you are a member of the Commission for making inclosures in the forest?—I am; if you are going to examine me upon what we have done, the minutes would shorten my evidence, but I can go on without them. (*The Minutes were handed to the Chairman*).

1792. When were you appointed?—It was in 1866 that I was appointed. The general mode of procedure of that Commission I should be glad to give. It is this: the sites of new inclosures are settled by the Office of Woods at the recommendation of their deputy surveyor, and these having been settled they are laid before the Commissioners. Before the Act of 1851, the Commission, under William the Third's Act, had the power given them to raise sufficient funds, by selecting and cutting trees for sale, for the purpose of making inclosures. That has been altered in the Act of 1851, by adding after the words "Commissioners" "of Woods and Forests," so that the Commissioners, under the Act of Victoria, have now no power of raising any funds, and have not got funds in their hands.

Chairman.

1793. You refer now to the 6th clause of the Act of 1851?—Yes, to the 6th clause of the Act of 1851.

1794. "And for the making and maintaining the said inclosures so to be set out and

Chairman—continued.

made as aforesaid, and for defraying the charges thereof, the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues, for the time being shall from time to time set out, fell, and dispose of so many decayed or other trees in such forest (not being ship timber) as shall be necessary to make and maintain the said inclosures, and defray the expense thereof"?—Quite so. Previous to that Act, by the Act of William the Third, it was not the Commissioners of Woods who were to cut down, but it was "the said Commissioners so to be authorised as aforesaid, or any six of them, together with the assistance of one of the purveyors of His Majesty's Navy, shall set out so many decayed trees (not being ship timber) as shall be necessary to make the said inclosure." The importance of that is apparent, I think, because under William the Third's Act the Commission had full power; under the Deer Removal Act they had no power at all.

1795. As a matter of fact, did the Commissioners of the New Forest exercise that power prior to 1851?—I cannot tell you; I have not the slightest knowledge before 1851, and I have never inquired into the mode in which it was carried out.

Lord Henry Scott.

1796. There was a Commission, was there not, acting before this Commission, which was appointed under the Deer Removal Act; I mean a Commission which from time to time was issued by warrant, I think, from the Treasury, for inclosing under William the Third's Act?—I believe the Commission was issued with the same formalities under William the Third's Act as it is issued now, but I cannot say that of my own knowledge; but that there was a Commission issued in 1851, I know.

1797. Perhaps you had better look at Mr. Gardiner's bill of costs; in that I observe that on the 16th of April there were directions given for a new Commission to inclose 4,051 acres in lieu of a like quantity then recently flung open?—I see it is so.

1798. And on the 22nd of May, I think, the draft of the Commission was approved?—Quite so, according to this bill of costs which you have put into my hand.

1799. On the 27th of May the Commission were summoned to meet and to set out the 4,051 acres?—According to this bill of costs it is so.

1800. So that concurrently with the time of the passing of the Bill of 1851, by which it was proposed to give the Crown a title to inclose 16,000, the Crown was inclosing again 4,051 acres under William the Third's Act?—That was so.

1801. Then if 4,000 acres was deducted from the acreage which the Crown first asked to take in their Bill of 1851, they were, in reality, at that time getting an inclosure of 4,051 acres under another Commission?—At the time the Bill was passing through the House they were taking a larger quantity under William the Third's Act than ever had been known before, namely, 4,000 acres, which is nearly what was given up; I do not think the two had any connection with one another; but, at the same time they were having this Bill passed through Parliament to give them fresh powers of inclosure, they were using to the utmost,

Lord *Henry Scott*—continued.

utmost, and beyond the utmost, as we say, the powers which they had under the Act of William the Third. And from the Minutes you will find that on the 18th of June a Commission meets, it only having been issued on the 27th of May, and approves of 4,051 acres proposed by Lord Seymour. The result of that was that 14,500 acres had then become inclosed under William the Third's Act; I speak in round numbers.

Lord *Eslington*.

1802. That being 2,300 acres at least in excess of the amount that they had the right to inclose under the Act of William the Third?—As we say; I think the noble Lord is more right in saying the 300 than the 500.

Lord *Henry Scott*.

1803. So that in fact it would not be so material to the Crown, as a matter of concession, giving up 4,000 acres, which they proposed to take under the Act of 1851, when they were virtually inclosing 4,051 acres under the former Act of William the Third?—I cannot see that; what they asked for under the Deer Removal Act was a power to inclose 14,000 acres, and to exercise what they considered the legitimate power which they had before; it was a mere power on each Act; I do not think it balances it in the way you suggest.

1804. Now, will you proceed to what was done under the Deer Removal Act, under which you are a Commissioner?—I have looked at the minutes; I went to the Office of Woods and looked through them, and I will take them very shortly. The first meeting under the Deer Removal Act was on the 5th of September 1855; then there were four inclosures suggested, and maps were laid before the Commissioners; I may say that when the 4,000 acres to which I have already referred were inclosed in that rather hurried way, no maps appear to have been before the Commissioners at all, judging by the minutes. Another meeting was held in November 1855, when a petition was presented from Bartley, and that inclosure was left out as well as another; and three, Milkham, Sloden New, and Slufter were passed, and they have now been made inclosures; so that at these first few meetings there were some objections; from that time for 11 years there was no meeting of the Commission.

Lord *Eslington*.

1805. It would be desirable to know the amount of the inclosures during those 11 years; the amount I mean actually inclosed?—That would be from 1855 to 1866; I take this from the returns made to the House of Lords, moved for by Lord Nelson, and I find the return is this; that in 1859 Shave Green was made under the Act of William the Third, Brocke's Hill, Busketts Lawn, Denny Lodge, Pound Hill, and Dames Slough; that is all the inclosures that were made under that Act. There were some then made under the Deer Removal Act. Under the Deer Removal Act, Milkham inclosure was made in 1860.

Chairman.

1806. That was authorised in 1855, was it not?—It was authorised in 1855.

1807. At the second meeting, on the 25th of November 1855?—Yes; Milkham was inclosed 0.100.

Chairman—continued.

at a reduced acreage to what it was proposed; Vinney Ridge, Sloden New, Slufter, and Perry Wood.

1808. All of them having been authorised in 1855?—All of them, I think.

1809. And not inclosed until when?—At various dates, which are given in the return.

Lord *Eslington*.

1810. Which were made, under the Deer Removal Act, 300 acres in extent?—All 300 acres, or over.

Lord *Henry Scott*.

1811. At the first meeting, after the 11 years interval, what was proposed?—The third meeting was in March 1866, the first after those 11 years; and then a proposal was made by Mr. Howard to inclose the following inclosures: Hawk Hill, proposed, 1,050 acres; Deer Leap, 300 acres; Matley, 1,100 acres; Knight Wood, 750 acres; Lucas Castle, 1,950 acres; King's Garn Gutter, 1,050 acres; Denny, 800 acres; and Burley Rocks, 650 acres; making a total of 7,650 acres.

Chairman.

1812. Are you satisfied that Burley Rocks was included?—It is in the Return which was printed.

1813. It is not in the minutes of the meeting, is it?—I have copied it so. You will find it in Lord Nelson's Return; the 3rd page. It is the last inclosure of those which had been mapped and measured for the purpose of inclosure; "Burley Rocks, in Burley Walk, 650 acres;" what I have read out is identical with that Return. That was a total of 7,650 acres, and the whole of them were passed without one single objection being made.

1814. By the Commissioners?—By the Commissioners.

1815. Who represented the commoners to some extent, did they not?—I do not know.

1816. They ought to have done so, ought they not?—They ought to have done so. I was not there, so I will not answer for anybody else.

Lord *Henry Scott*.

1817. This was before you were a Commissioner?—Just before I became a Commissioner.

Mr. *John Stewart Hardy*.

1818. They are not elected, are they?—They are not elected; they are nominated by Her Majesty.

Lord *Henry Scott*.

1819. The appointment is in Her Majesty, on the recommendation of the Commissioners of Woods, is it not?—Yes, that is what I heard the other day; it is in evidence. So that this took place after a lapse of 11 years. When the Act was new there seems to have been an objection or two raised on the part of the commoners; yet after the expiration of that time inclosures to the extent of 7,650 acres, one of them alone being 2,000 acres, were passed without remark, and there had been no publicity, and no possible power for the public or the commoners, apart from the extent to which they were represented in the Commission, to know what was going to be taken into consideration.

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1820. I was

Mr. *Esdail*.

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Mr. Esdaile.

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Lord Henry Scott—continued.

1820. I was going to ask you, was it not contrary to the Act, prescribing the procedure upon the part of the Commissioner of Woods, that the Commissioner of Woods should select the lands, the Act providing rather that the Commissioners themselves should ascertain what land was most fit, and could be best spared for inclosure, and that the Commission should set out and make those inclosures; would that be a strict interpretation of the law?—I will simply say this, that under the 3rd section of the Deer Removal Act, by the very words of the section, the Commission are to set out and make the inclosures, and I think that the step being taken by the Office of Woods of selecting through their deputy surveyor in the first instance, without any consultation whatever with the rest of the Commission, is contrary to the wording of that section, because the Commission are to set out and to make the inclosures; as I believe, the original proposals ought to come from the Commission, and not from any one member of it, unless appointed for that purpose by the Commission. The commoners have so far a representative on the Commission that they are told to set it out where it can be best spared from the commons, and for that reason an inquiry ought to be made where it can be best spared, and not a map sent down from the Crown with a brown spot upon it, showing the suggested inclosures; and it was, in fact, impossible for anybody to know what was going to be done.

1821. The next meeting was in October 1866, was it not?—The next meeting was in October 1866, and I then had the honour of being put on the Commission. I had gone abroad, or I was going abroad, and I was not able to attend the first meeting after I was appointed; but I wrote a letter, which I sent (I have it here) to the chairman of the Commission, whoever he might be, that was sitting, requesting an adjournment, in order that publicity might be given to such a large acreage as 7,650 acres, of which one inclosure was 2,000 acres in one block. I begged them to adjourn, and to come to some arrangement with regard to publicity. One of the Commissioners, Mr. Castleman, will be found to have backed up that application, but it was not acceded to. Burley Rocks Inclosure (which I spoke of for the sake of our own people at Burley) was at once kindly waived by Mr. Howard; but the meeting was not adjourned, and they proceeded without having any further publicity on that occasion. Mr. Castleman raised the point, but he was overruled. I ought to add that at this meeting, in October 1866, a deputation for the first time appeared from the commoners to memorialise the Commission, and that, I believe, was in consequence of information being conveyed to them. The next meeting was in 1867, when I was present for the first time.

1822. Have you anything particular to say with regard to that meeting?—Yes. Here again the commoners were shown to be in movement. A deputation attended with a long protest, which I cannot presume to read, but I hope that, at all events, some honourable Member on the Committee will read it. Your Lordship appeared at that meeting to protest against that large inclosure called Hawk Hill, which shut up Beaulieu; and I and another member of the Commission moved as to the stoppage of the highways, and as to

Lord Henry Scott—continued.

making proposed inclosures public before they were finally adopted. I have not got the terms of that resolution in my own abstract of the minutes, but it is before you, I think.

1823. The Commission, I think, altered that Hawk Hill inclosure?—Yes, the Commission altered that. We were fortunate enough to overthrow the whole of those inclosures being settled. As I have told you, they were passed originally and approved; but there was some loophole left, and we got them all once more considered, and not half of them have been made. Previous to the next meeting (the next meeting was the 31st October 1868) the report of Mr. Howard, dated in 1867, came out; it followed very immediately upon the action of the Commission, which then was somewhat opposed to the Crown for the first time; and I will call your attention to the eleventh page of Mr. Howard's report, in which he dealt with the Commission. I should say that all those inclosures, making 7,650 acres, were to be made under the Deer Removal Act. Mr. Howard, after giving their names, in speaking of the Commissioners, says this: "I gladly avail myself of this opportunity to bear testimony to the entire impartiality with which the former have acted in the proceedings taken with regard to the inclosures already completed in accordance with the Act of 1851." He pointedly reserves his approbation for those Commissioners who acted up to 1851, although Commissioners had been acting very actively under another Commission of 1866: "Under these circumstances the advisers of the Crown have not hesitated to recommend, as vacancies in the Commission occurred, that they should be filled up by the appointment (beyond the two Commissioners, who must necessarily be justices of the peace for Hampshire) of gentlemen interested in the locality, instead of by the nomination of persons living at a distance from the forest, a course which, under other circumstances, might have become necessary." We the local Commissioners felt that this was such an imitation upon us, his presenting this report to Parliament, speaking of the "impartiality" of those who had acted up to 1851, and leaving out those who had been acting since, and with whom there had been some slight contention, that we addressed a letter to Lord Eversley, who was then moving for a Committee in the House of Lords, and begged him to bring that matter before the Committee. I have that letter with me; it was signed by eight of us.

1824. It was in the power of the Crown to appoint on that Commission only two justices of the peace connected with Hampshire, and those need have no connection with the district, I suppose?—Quite so. I should mention also that in that year, being from home, in a county paper I found the following advertisement referring to the inclosures called Hawk Hill, Matley, Lucas Castle, Highland Water, Acres Down, Kings Garn Gutter, and Denny. They were published in this way: "Notice is hereby given" (it is not signed), "That a meeting of the Commissioners appointed under the Act 14 & 15 Vict. c. 76, will be held at the Queen's House, Lyndhurst, at noon, on the 31st October 1868, for the purpose of selecting for inclosures certain tracts of land, as provisionally approved at former meetings, subject to certain alterations which have since been made, and that the undermentioned tracts

of

Lord Henry Scott—continued.

of land will be submitted to the Commissioners as proper to be inclosed." That, as I have observed, is not signed.

1825. Was not that issued with the authority of the Commission?—Here (*producing it*) is a copy of my letter, which I wrote to Mr. Howard, begging to know what Commissioner had authorised such a publication as that, and saying that I had not been at any meeting where it had been authorised. The letter I had in return was this (*producing it*), enclosing the resolutions about publicity: "I enclose herewith copies of two resolutions unanimously agreed to by the Commissioners at their last meeting, on 25th June 1867, and have to acquaint you that, in compliance with those resolutions, I gave directions for the issue of the notice dated 14th ultimo, and for the insertion in the newspapers of that advertisement referred to by you." Therefore I would point out that notwithstanding our resolution that we should deal with these inclosures setting out and making them, yet without any consultation with us, the Office of Woods published in the papers what they propose to take in.

Chairman.

1826. What is the date of the notice?—I cannot give you the date of the paper in which it appeared; it is not dated, and it is not signed. But the date of my letter mentioning it, is the 29th September 1868.

1827. Did you come to any resolution in the Commission to appoint a committee to set out these inclosures before that date?—I believe we did; I believe it was in June 1867. I can tell you that from this official letter; yes, on the 25th of June 1867; "It was arranged" (this is dated Office of Woods, 14th September 1868), "that three or more Commissioners, one of whom to be a justice of the peace, and not an officer of the New Forest, should in future personally inspect the tracts of land proposed to be set out, and the Commissioners who agreed to act in this matter were yourself" and others.

1828. That meeting was held on 25th June 1867?—Yes.

1829. But a further meeting was held on 31st October 1868?—Yes, on 31st October 1868, after that correspondence which I have alluded to.

1830. I wish to point out to you that there is a difference between the resolutions of the two meetings?—I expect there is.

1831. At the first meeting, "It was also arranged that three or more Commissioners, one of whom to be a justice of the peace, and not an officer of the New Forest, should in future personally inspect the tracts of land proposed to be set out"?—Yes.

1832. And on the 31st of October 1868 it was "proposed by Sir Henry Paulet, and seconded by Mr. Gore, that in future the sites of all inclosures proposed to be made in the New Forest under the Deer Removal Act shall be selected and the boundaries defined by a committee of the Commissioners; the committee to be named by the General Commissioners, and that the following Commissioners be named to act on the committee;" so that I wish to point out to you that that advertisement was not inserted in contravention of any resolution of the Commission?—It was not inserted in opposition to the resolution that

Q.100.

Chairman—continued.

you have last read, because that was a resolution passed in consequence of what took place.

1833. There is a distinct difference between the two resolutions?—There is a distinct difference; "personally inspecting tracts of land proposed to be set out" is a very different thing from setting out and selecting the lands.

1834. It may be quite consistent with the advertisement proposing to set out such tracts of land?—I think it is consistent with the letter of it, but it struck me that it was inconsistent with the spirit.

1835. There is no question of good or bad faith, I mean?—No question of good or bad faith, but it is a case showing the line that was taken.

Lord Eslington.

1836. Then I understand that now the Crown is directly represented upon that Committee by the deputy surveyor and by him alone?—And the verderer.

1837. But the commoners, according to that, have a distinct majority upon that Committee?—It is composed of myself, Mr. Compton, Mr. Cumberbatch, and Sir Henry Paulet: that is to say, the verderer and the deputy surveyor, and two independent members. I must allude to the meeting of 31st October 1868, because that has already been alluded to by Mr. Howard. In consequence of a resolution passed at a former meeting, he read an opinion as to the power of the Commission to stop highways. The case was not produced, but he read the opinion; we have never seen the case.

Chairman.

1838. I think a member of the Commission had requested, had he not, that the opinion of the law officers of the Crown should be taken on the matter?—They had requested it, and we rather expected to see the case, but the case we did not see; the resolution was then passed which you have referred to as to selecting the sites and defining the boundaries.

Lord Henry Scott.

1839. Then you cannot state whether the opinion was taken as to the power to lock the gates as well as to stop the highways?—I cannot tell you; you have got the opinion before you, I think. The next meeting is the 9th of August 1870, when the committee met to exercise their powers of selection, and this letter was received from the Office of Woods, saying that: "I am directed to inform you as one of the sub-committee, that it is proposed forthwith to call a meeting of the Commissioners to set out further inclosures, and that, in accordance with this Resolution, Mr. Cumberbatch has been instructed to arrange a preliminary meeting of the sub-committee for the purposes mentioned in the foregoing Resolution; at which meeting he has been directed to produce the plans of the inclosures which it is intended on behalf of the Crown to propose as most proper to be set out by the Commissioners." That was subsequent to the second Resolution, by which it was suggested that a sub-committee should be appointed to select the sites and to set them out. We were directed not to select the sites in the first instance, but to take selected sites and consider them. I merely mention that as showing the line

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Mr. Esdaile.

11 June
1875.

Mr. Esdaile.

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Lord Henry Scott—continued.

line that the Crown has always taken, that it has assumed the first right, notwithstanding Resolutions, to selection. I should say that the sub-committee protested against that letter as not in accordance with the arrangements.

1840. The total acreage which passed then was about 4928 acres, was it not?—I have not the figures.

Chairman.

1841. Can you give the letter which the Committee wrote addressed to the Commissioner on that occasion?—It was a protest in our report; I have got it here.

1842. In order to connect your narrative, let me ask you this; is it not the fact that "Sir Henry Paulet then put in" (at a meeting of the Commission on the 9th of August 1870) "the Report of the Committee on the new inclosures proposed to be set out. 'Lyndhurst, 9th August 1870. Sir,—We have the honour to inform you that, in consequence of a letter bearing date 9th June 1870, No. 873, we herewith transmit to you the plans of projected inclosures, which we beg to recommend to the notice of the Commission. We have the honour to be, Sir, your obedient servants, H. C. Paulet, W. Clement D. Esdaile, Henry Compton, L. H. Cumberbatch. To the honourable James K. Howard'"?—I have no doubt that is so, if it is in the Minutes.

1843. And the schedule of inclosure annexed was this:

No. on Map.	Inclosures.	Walks.	Quantity.		
			A.	R.	P.
1	Ashley - -	Ashley - - - -	700	0	0
2	Eyeworth -	Eyeworth and Bramble Hill.	395	0	0
3	Markway -	Rhinefield and Wilverly -	535	0	0
4	Long Slade -	- ditto - - ditto -	405	0	0
5	Thorney Hill -	Holmesley - - - -	400	0	0
6	Puinicks -	Broomy - - - -	575	0	0
7	Acres Down -	Bolderwood - - - -	416	3	9
8	Anses Wood -	Eyeworth and Broomy -	440	0	0
9	Bratley - -	Burley, Bolderwood and Broomy.	730	0	0

making in all 4,596 acres 3 roods and 9 perches?—I have no doubt that that is so.

1844. Did those recommendations of the Committee make up the acreage of inclosures authorised to be inclosed by the Act of 1851?—That is my impression; I think it was stated that it was so; I think that is in the Minutes, but I have never had any access to them since; I mean that I have never looked into them.

Lord Henry Scott.

1845. Then so far as the Commission has acted, supposing that to be the case, they have virtually set out the actual amount due to the Crown under the Act of 1851, have they not?—I do not think so; I think there is a balance due; taking the 10,000 acres as an abstract matter, there is a balance due of non-inclosure lands.

Lord Henry Scott—continued.

1846. But if 2,000 acres too much had been inclosed under the Act of William the Third, would it not be as I say?—I put that on one side. I mean as merely Commissioner of the Deer Removal Act; I believe that there is a balance still to be accounted for if the 10,000 acres are to be taken in.

1847. Then the resolution which was passed by the House of Commons in 1870, generally known as Professor Fawcett's Resolution, is the one obstacle to the enjoyment of the right of those acreages which have already been set out and approved?—Yes. I see in the Minutes of the 9th of August 1870, that the proposal was for the balance of the whole acreage; but it was objected to that unless the Commissioner of Woods was prepared to plant the whole, it would not be within the spirit of the Act to allot any that he was not ready to plant; and I think that you will find in the Minutes that Mr. Howard stated that he should "recommend" the whole 5,000 acres to be inclosed and planted; and then the Commission passed this resolution: "That it is the duty of this Commission to make the inclosures under Section 3, and to direct at what spots gates should be placed in the fences." At the next meeting, on the 14th of September 1870, Mr. Howard handed in a written protest, which has been already before you, against the resolution of the Commission passed at the last meeting objecting to the power of the Commission to make inclosures or to place gates. The reason he gave was a most forcible one, namely, that we had no money whatever to make them, which was certainly the fact; so that if we pass a tract of land for inclosure which he disapproves we cannot make it.

1848. Then at the next meeting of the Commission, 14th of September 1870, I think that question was raised as to whether 2,000 acres and odd more than was right, had been taken under William the Third's Act, was it not?—It was. It was your Lordship who brought it before us in a memorial, and a resolution was proposed and seconded in these terms: "That this Commission do not sanction the full acreage of 10,000 acres under the Deer Removal Act until the allegation that 2,500 acres have been inclosed in excess of the acreage permitted under William the Third's Act, made in the memorial presented by Lord Henry Scott, M.P., has been investigated, and an opinion given on the interpretation of that Act by the law officers of the Crown to the Commission, and that this meeting be adjourned." Mr. Howard said that, as Commissioner of Woods, he denied the law propounded, and that he would not prepare a case, but that he would submit any case sent to him by the Commission to the legal advisers of the Office, and when accepted by them, direct it to be laid before the law officers of the Crown. Of course a part of the Commission refused to prepare a case, or did not prepare a case, and we have never met since.

1849. You said you wish to refer to the question of rolling power; perhaps it will come in here best as a separate point. Perhaps you would tell us this; is not the rolling power referred to in that Bill of 1871; you have mentioned that to us as one of the points?—In the Bill of 1871, there was that provision that I mentioned, enacting what the interpretation of the Act of William the Third should be as to the power which

Lord Henry Scott—continued.

which we call the rolling power. That question applies in exactly the same way to each of the Acts of Parliament under which plantations are made. There are three Acts of Parliament under which plantations are made, the Acts of William the Third, George the Third, and Victoria. The question of the rolling power applies to the whole, but is raised especially on the Act of William the Third, which was the first. I will just mention that no counsel's opinion was taken on behalf of the Commission as to this matter; but I have in my hand an opinion of Queen's counsel with regard to that, and I will read out, if it so pleases the Committee, the question and answer which are given on that opinion, or I will state what he says, whichever may be most in accordance with the wish of the Committee.

Chairman.

1850. Will you state the general effect?—The case sets out simply the Statutes, and asks these questions: "What extent of lands from the wastes of the New Forest the Crown had authority to inclose under the Act of William the Third? whether the power of flinging open to common and inclosing in lieu of lands flung open could be exercised to an unlimited extent, or whether the Act authorises two inclosures only of 6,000 acres each?" That I think raises the question, and Mr. Kingdon, the Queen's counsel's, answer is this: "I am of opinion that the power of the Crown, under the Act of William the Third, to lay open inclosures and to inclose other lands in lieu of the inclosures so laid open, could not be exercised to an unlimited extent, but was limited to 12,000 acres in the whole, and that as soon as 12,000 acres shall have been once inclosed, the power of the Crown under that Act to inclose ceases." The question is again put, "Whether the Act of 48 George the Third, in anyway amplifies the powers of the Crown to inclose as to area, and, if so, to what extent?" The answer is, "I am of opinion that the Act of George the Third does not in any way amplify the powers of the Crown to inclose as to area." Then the other question is as to the Deer Removal Act; does that amplify them? and his answer is: "I am of opinion that the Deer Removal Act does not in any way amplify the powers of the Crown to inclose, further than to add 10,000 more acres to the 6,000 acres subjected to inclosure by the former Acts, with a similar limited power of laying open the 10,000 acres, and inclosing other 10,000 acres in lieu thereof." Then the next question is, "Can the Crown, under the provisions of the three Acts referred to or any of them, inclose more than 32,000 acres in the whole from the wastes of the forest?" His answer is, that he is of opinion that they cannot; and with regard to that, finding the question still disputed, the same case was laid before Lord Justice Mellish and Mr. Kingdon in consultation. They agreed, I believe, in their opinions. Lord Justice Mellish was called to the Bench before the opinion was written; but I have the authority of the solicitor to say that it was simply in consequence of its not being in time to be signed that we have not got Lord Justice Mellish's opinion to put before you now; he was consulted, and they had their conference.

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Lord Henry Scott.

1851. It has been stated to us that the Act of Woolmer was to be taken as a parallel Act to the New Forest on this question of *toties quoties*. I think, if I know that Act, the language is totally different, is it not, from the language of the New Forest Act?—The language of the Act of Woolmer as to this rolling power is different, and cannot be construed in the same way as the Act of William the Third and the Deer Removal Act; but it was said that, although that might be the strict letter of the law (it seemed to me that the solicitor to the Office admitted that the other day) the intention was to have the rolling power. Now, I think I have a very good proof of what the intention of the Act was. It exactly followed the Act about Dean Forest. Dean was 22,000 acres; they took power to plant 11,000 acres of Dean forthwith, and they took power, when they flung out any part of that 11,000, to take in a similar quantity again. Two plantings therefore occupied the whole of Dean; and the only intention the Crown could have had was to use words sufficient to carry out that, and those words were used. They are copied into the Act of William the Third, and therefore must be used with the same intention as they were before. The opinion that I have read would not apply to the Act of Woolmer, and it is very natural that it should not, because, in the Act of Woolmer there are no such words as "can be best spared from the commoners," and it is without the same words as to the rolling power.

1852. How does the point of *toties quoties* affect the general public as well as the commoners?—Of course, *toties quoties* means covering the forest with a wood; nothing less; it cannot mean anything less.

1853. And as far as the commoners would be concerned, it would simply mean that they would be entirely planted out?—Of course we should; that is one of the objects.

1854. Then you do not suppose that Parliament ever could have had that intention when it passed the Act of 1851?—It is not for me to interpret the intentions of Parliament; but I do not think it is a reasonable arrangement to have been made outside Parliament, and therefore I do not think it is reasonable inside.

1855. There are just a few points on the question of the sale of the lands free from common rights, about which I should like to ask you. The point you wish to bring before the Committee is this: I suppose, that if land could be to any great extent sold free from common rights, it would be in the power of the Crown really to sell the whole of the New Forest completely, if it so pleased?—It is quite clear that that must be so. However limited the extent to which you give the power, and the power is limited to a thousand pounds in each instance, it must, like the rolling power of planting, though it may take some time, give an eventual power of selling the whole forest if that is true. Mr. Phinn, as I have already said, claimed it, and for the first time almost, as a means of reducing the value of the common rights. It is alluded to, in 1848, by Mr. Milne, at Questions 4761 and 4768; he was Commissioner of Woods at that time, and he points out to a Committee of the House of Commons the injustice that is worked to the commoners by the land being sold, free of common rights,

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rights, and their getting none of the purchase-money; and he says he thinks that ought to be met by legislation. That came from the Office of Woods; but the fact is this, that there is no such power. It is the 98th section of 10 Geo. 4, c. 50, upon which the power now hinges. We have taken the opinion of Mr. Cotton, Queen's counsel, also of Mr. Dart, who is a very eminent conveyancer; and here is the opinion: they say that there is no such power; that the power of the Crown under that section is to sell what belongs to them, not what belongs to the commoners, and therefore they have no right to sell anything free of common right. That has been done up to 12,000 l.

1856. I suppose you would have no objection, provided that the commoners had an equitable share of the money that was realised by such sales, that parcels of land should be sold for the convenience of small proprietors in the neighbourhood, both accommodation land for gardens and for the poorer allotments?—I think, myself, it would be a very wise and prudent thing to have this done under a certain limit and under a certain power. I do not think it ought to be at the sole will of the Crown or the Office of Woods; but think that limited sales for the purpose of meeting the convenience of smaller or larger proprietors would be very useful. I know many small men now who would be glad to buy a quarter or half an acre of land adjoining their houses, and they have got the money to do it.

1857. And it would be a great benefit to them, would it not?—I believe it would be a benefit to them.

Lord Eslington.

1858. With reference to this matter of the sales of land under the 10th of George the Fourth, you say that 12,000 l. worth in value has been sold in all?—I believe so; I am always speaking in round numbers.

1859. Has any claim been put in by the commoners to share in the proceeds of those sales?—No, they have no grounds on which to claim a share.

1860. But their common rights, before those sales, were undisputed, over those portions of land?—Quite so.

1861. Consequently, according to the opinion that you have received from two high legal authorities, in strictness, those sales were not legal?—Quite so. It will be necessary in any legislation that follows this inquiry to take care to prevent injury being done to those who bought those lands.

1862. But you distinctly contend that in the matter of those sales the rights and the interest of the commoners have been entirely overlooked?—Quite so; and I follow also Mr. Milne in the same opinion, in 1848.

1863. Now, in regard to the Commission, I understand you to say that for 11 years, namely, from 1855 to 1866, the Commission never sat?—That I take from the minutes.

1864. Therefore during the whole of that time the Commission neglected its duties?—I do not think so.

1865. Why do you say that you do not think so?—Because I think that the Crown had a right to select their own time of taking in what they had the power to take in; the Commission

Lord Eslington—continued.

might have interfered; but I do not think it was their duty to interfere.

1866. Then are we to understand that during that time the only inclosures that were set out were inclosed under the Act of William the Third?—No.

1867. But there were inclosures set out under the Act of 1851 during that time, were there not?—Not during the 11 years, not set out; it was all stopped. They were dealing with the land that they had before that; they were dealing with land that they had got up to 1855. During that time they had got 4,000 acres under William the Third, and a certain number of acres, which you can see on the return, under Victoria. One of my presumptions is this, that they had not the power to plant them, because an enormous quantity of plants are required for such an acreage.

1868. But was it not distinctly the duty of the Commission to enter into a question of that kind?—I should have thought not; I, as Commissioner, shall be delighted to find that for 20 years to come there is no suggestion to inclose any more, even if we are left alone; but I do not think that, as a Commissioner, it is my duty to say to Her Majesty, or to the Office of Woods, "You are neglecting your interest in not taking in this land."

1869. Now, in regard to the procedure before this Commission, you yourself have attended several meetings of the Commission?—I think I have attended them all since that time, when I was abroad.

1870. The Committee, as I understood, that is to say, the sub-committee of the Commission now appointed, consists of four persons; supposing a conflict of opinion to exist between the two independent Commissioners, if I may so term them, and the verderer and the deputy surveyor, what would be the course of procedure then; has the chairman a casting vote?—I cannot tell you; we should return what we had done, and leave the Commission to act upon it; we might all have different opinions; I am not at all sure that in one instance each one of us had not a different opinion; and it would have been very difficult to have done anything; we should have returned that to our principal body, the Commission.

1871. And the Commission would then take into their own hands, I presume, the power of ordering or disallowing the inclosure; how would that be?—I cannot tell you what they would do; I should think they would probably judge which of the four had the best reasons to give, and beg them to re-consider it; and if they would not, then they would act on their own responsibility.

1872. Has a case of that kind occurred?—No, I think never.

1873. Then have the proceedings gone on smoothly, and have there been no conflicts of opinion?—If you are asking about the sub-committee, we have had several differences of opinion, but I think that the minority has always rather gracefully yielded to the majority; I will confess that I have been sometimes in the minority, and I have never carried out my opposition, except as to the old woods.

1874. As a Commissioner, do you feel in discharging your duties on that Commission, that you are bound to consider the interests of the public

Lord *Eslington*—continued.

public in the matter of the interruption of highways?—I do most strongly; I believe I have omitted to say till this moment that we have also taken Lord Justice Mellish's opinion and Mr. Kingdon's opinion as to the power of the Commission, and they say that we have no power to stop up highways.

1875. And you are guided by that opinion in the course you pursue on that Commission?—I, personally, am.

1876. Have you found that you have been overruled in taking that course by other members of the Commission, by the majority of the Commission, in any case?—We have been overruled to that extent, that Mr. Howard has protested against our power to set out highways or put gates properly locked; he says that we have no such power.

1877. Then Mr. Howard, in that respect, is in distinct conflict with those two authorities that you have just quoted?—In distinct conflict; but then he himself, on the part of the Commission, has taken a legal opinion, and as sometimes happens, it appears (we have not seen the case) that the legal opinions differ; that one says we have got no right to touch the highways, and the other says that we have the right to close the whole up.

1878. Did you take that opinion of Lord Justice Mellish in your individual capacity as a magistrate, or as a member of the Commission, or with the authority of the Commission?—Neither. It was not taken by me personally; it was taken by the New Forest Association, because our ways were becoming blocked up; it was represented to us that passage was difficult, and having taken action myself before the Committee and being overruled, I took that opinion on the part of the Association.

1879. But in no sense did you take it as a member of the Commission?—Not the least; to show that that is so, I may say that when I asked Mr. Howard to read his case he said, "If you will produce your case, I will produce mine," and I said, "It is not my case, it is the case of the association."

1880. The petition, of which you are particularly cognisant, states that too large a proportion of the best land in the forest has been selected for inclosure; now is that, in your opinion, a valid allegation?—It is.

1881. Will you mention an inclosure made under the Act of 1851, in which you are of opinion that the best land of the forest has been selected?—I should think Vinney Ridge, Milkham, Sloden, Slufter, and Perry Wood.

1882. It is your opinion that the best land of the forest, or some of the best lands of the forest, has been taken in in those inclosures?—I must guard myself, of course, as not being a surveyor, but that is my opinion; if I might have one of those maps it would help me very much. (*A map was handed to the witness*).

1883. But what is the test which you would apply to those lands in order to prove the allegation that they are the best lands of the forest?—My first test would be only my simple agricultural and arboricultural knowledge as to where trees grow best, and as to the nature of the soil; and I should be also influenced by the opinion of competent persons in judging.

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Lord *Eslington*—continued.

1884. Is it not a very fair and a very common test to apply to the value of forest land, whether it grows oak well or not?—I should think so.

1885. How are the oaks growing in those inclosures?—In some places well, in other places very badly.

1886. You do not, I suppose, intend to represent, do you, that the whole of those inclosures are composed of the best land of the forest?—Certainly not; I think Mr. Clutton's mode of division is an easy one to arrive at the bottom of these questions which you are mentioning, namely, dividing them into three qualities, calling them 10 s., 5 s., and 1 s. 6 d. lands; I state broadly as my view of those inclosures, speaking only as a country gentleman knowing something about soil, that the bulk of the inclosures is made up of the 10 s. and 5 s. lands.

1887. Is there, in your opinion (because that is in your own immediate neighbourhood), a large quantity of good land in Oakley inclosure?—I believe Oakley, to speak broadly, is all good land, but then it was made under William the Third, and, as you will see, of course it follows the bottom; and that was one reason why, I think, having a Commission suddenly appointed as the Deer Removal Act was passing through Parliament, to take land in which could only be fit for oak, if the Commission did their duty, was rather hard upon us. They ought to have waited. When that Act passed, then other trees might have come in; but instead of that they took 4,000 acres in a great hurry.

1888. I think another allegation of the petition is that the fuel rights are not duly satisfied?—The 12th clause of the petition is, "that by the reduction of beech timber, the fuel rights of the commoners are prejudiced."

1889. And can you confirm that allegation?—I can confirm it in this way, that a great quantity of old beech and old timber which would have made good fuel wood, had been sold very near the residences of the owners of fuel wood, and consequently they have got to go further for it; and also, I say, that it is so, in this way; the Crown say that they are obliged to find 380 trees, or something of that sort, to furnish the fuel rights, whereas they have sold thousands of trees, which would have been ample for many years, by cutting them down in the inclosures which they have made.

1890. You do not know of cases in which persons have applied for the satisfaction of their fuel rights and been refused?—Never; on the contrary they are allotted with great precision; and as we have come to a settlement with regard to the question, we cannot complain either of the quantity or the time when it is allotted; but it is certainly a fact that we have got to expend a good deal more labour in going distances for it.

1891. Are the turbary rights duly satisfied?—Yes, as far as I know. They are very valuable indeed to the poor commoners especially. I use them myself; but to the cottagers they are of very great value. I never heard them complain that they could not get turf.

1892. The rights of that class are second only in importance to the rights of pasturage, are they not?—It is difficult to say. Pannage is very valuable too; but I should say fuel right is a very important right also; it makes a difference

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in the rent of a house, letting it on easy terms of 1 *l.* a year; I get 1 *l.* a year more for a house having fuel rights.

1893. And is not coal extremely dear in that country?—Coal is extremely dear.

1894. I understand, to refer once more to Mr. Clutton's evidence, which is very important, that you contend two points. First of all that Mr. Clutton, having been in concert with the solicitor of Woods and Forests, ought, when he expressed his former opinion as to value, to have been fully informed of the forestal rights; that is your first contention?—That is so.

1895. And that he probably was?—Yes.

1896. Your second contention I understand to be this, that it is beside the question for Mr. Clutton now to abandon those opinions formed in concert with the solicitor, because the amount of compensation granted was computed upon the estimate which he then formed of the land?—I say so. It is a long question; but I say this, that working out the 14,000 acres, at Mr. Clutton's figures, confirm his reckoning of half belonging to the forest.

1897. But the Crown only obtained 10,000 acres?—They knocked off the 4,000 acres.

1898. Had they obtained the 4,000 acres, do you think it would have been a full satisfaction of these forestal rights?—I think a great deal more; but then you know I am not a surveyor.

1899. Has the stock of game in the forest diminished or increased, in your opinion, since the new arrangement in reference to licenses, altering them from 1 *l.* to 20 *l.*?—The rabbits have increased materially. I never saw during my time, when I had the honour of holding a license for nothing (I have always refused to hold it for something) the quantity of rabbits that there are now; but from inquiries which I have made, I think the remainder of the game has decreased, and especially black game.

1900. Do you think that there is more shooting under the 20 *l.* license than there formerly was under the 1 *l.* license?—Infinitely more. There is hardly a day in the week that there are not three or four parties which put up at our little village in Burley, and they are always round me, and on one occasion they finished up by shooting a tame cock pheasant, with one leg, off my keeper's wicket gate.

1901. May not that avidity be attributable to the high price charged for the license?—I beg most distinctly to say that I do not blame the licensees for a moment; it is rather annoying to private owners; but I think if I were a man with a 20 *l.* license I should shoot as hard as ever I could shoot.

Colonel Kingscote.

1902. Twelve thousand pounds has been received, you say, by the Crown for land which you think the commoners have a right to, or to a portion of it; was not that chiefly obtained through the sale of land to the railway?—No, that is a different sum altogether; the 12,000 *l.* obtained by the railway is in the hands of trustees entirely.

1903. What is the sum which you alluded to?—Various portions sold under that George the Fourth's Act; the railway land was sold under the special Railway Act of 1845, I think.

1904. According to your opinion, and also according to the opinion of two counsel whom you

Colonel Kingscote—continued.

have quoted, you say that the Crown have no right to sell a rood of land in the forest without first compensating the commoners?—Not free of common rights, not a rood.

1905. But at the same time, you would advocate taking powers to allow the Crown to sell small portions of land?—No; I said I would advocate some arrangement by which lands should be capable of being sold; I rather object to the Crown selling them, because I think it ought to be in a commission, or something of that sort; it ought simply to be for the convenience of the boundaries, and very small.

1906. You would advocate its being sold, but not under the officers of the Crown, but through a commission?—Through a commission; and that the money should be accounted for in exactly the same way that the railway money is.

1907. That it should be placed in trust?—In trust for the mutual benefit of Crown and commoners.

1908. Interpreting the Act of 1851, the Deer Removal Act, as you find it, do you think that the officers of the Crown have exceeded their duty in carrying out the inclosures which they have done in the forest themselves?—I do not think they have exceeded their duty; I think the Crown are quite right to carry out the power that is given them in that Act; they have not got their full 10,000 acres yet; but what I say is that the power given them is an excessive power, and totally wanting in equity.

1909. You, in fact, think that the Act itself is bad?—The Act is bad; I think that the commission at one time, at all events, did not do their duty as commissioners.

1910. But those are not the servants of the Crown?—Those are not the servants of the Crown; I only say this, that it is perfectly wrong in the servants of the Crown to go on this principle, to select all the best land, which they say it is their duty to do. It is not their duty to do that, and they have done wrong to the commoners. The land selected should be such as can best be spared from the commons, and so on.

1911. That is the commission?—That is the commission; but I think that if the Crown officers take upon themselves to originate proceedings for selection, they do not act up to the spirit of the law if they select all the best land in the forest, as Mr. Cumberbatch proposed in his 1853 letter.

Mr. Alexander Brown.

1912. The fact is that a petition has been referred to this Committee, praying them to inquire into the Deer Removal Act, and not entering into allegations as to the commissioners having exceeded their duty?—No, we do not say anything about the commission having exceeded their duty.

1913. With regard to this railway money; as I understand, the money is in the hands of trustees, a portion is spent in improving certain parts of the forest, but a certain other portion has not yet been spent, and the Office of Woods object to spending that remainder, because they say it would not be for the mutual benefit of the Crown and commoners; have you anything to say on that point?—That is the case; Mr. Howard in 1868 said that all mutuality had ceased between the Crown and the commoners; that what they got

Mr. Alexander Brown—continued.

got before the Deer Removal Act was deer feed on one side, cattle feed on the other; they had sold their deer feed for compensation, and so Mr. Howard said: "All mutuality has ceased, and we must not spend more money, because it would be spent for the benefit of the commoners." But the answer to that is: "If you have sold your deer feed, you have sold all adjuncts to it, and the whole of what remains belongs to the commoners, because they have bought the deer feed, and all that belongs to it."

1914. As you are one of the Commissioners, can you inform the Committee whether the Crown have planted any of the lawns of the forest?—I know they have; but we have got surveyors coming who will prove that piece by piece.

1915. And that is part of the allegations of the petition, that they have taken some of the very best land of the forest?—It is so, especially on that side which I know least well, the north-east corner, and other places too; the whole of Oakley Inclosure, for instance, was most valuable, which runs down, and almost touches, the private lands. Of that no notice was given, or it never would have been made; it is almost all on good feeding land; so was Milkham.

1916. I want to get at the fact who this petition represents; as I understand there are 1,500 persons in whom right of common exists in the forest?—There are 1,500 houses in possession of the commoners, but some of those belong to the same persons; I am told that the number of persons is 1,300.

1917. These two petitions, I understand, are signed by 1,200 people?—I understand so.

1918. That is to say, they represent practically the whole body of commoners in the forest?—Yes, practically the petition represents the whole body; it has gone from place to place for people to sign it; there are exceptions, but not amongst the smaller people.

1919. With reference to these common rights, the first evidence before this Committee was Mr. Watson's; he made a point of the fact that the 54 years' user of common rights was a concession to the commoners on the part of the Crown. Was it a concession really?—I think it was very little concession really. It is a point not yet decided, whether 60 years would not bar the Crown altogether; and that is only six years beyond that time. But, in addition to that, our claims could be traced in 1670; and therefore it was not a body of people whose claims were in the dark; and I think it was a reasonable provision both for the Crown and the commoners to save the expenses of the inquiry, to make that concession; although to the commoners it was a loss, because it might have introduced a certain number of people not ancient commoners; but, with all that, the inquiry cost 8,000 £, the whole of which came out of the lands of the forest.

1920. Now, with regard to the general rights of the commoners, I understand that the fence month was never enforced till the Act of 1851?—Never enforced; you have direct evidence of that from 1789 down to 1851.

1921. Winter heyning was enforced?—It was enforced; at the same time, I believe it was enforced for this reason, to exclude the cattle of strangers, but I will not pledge myself to that.

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Mr. Alexander Brown—continued.

1922. When the Act of 1851 was before the Committee, it is in evidence that a compromise was come to, by which the 14,000 acres of the original Act was changed for 10,000 acres; and we have also had other evidence that an arrangement was come to between the Crown and the commoners. Is it not fair to suppose that the commoners then thought that their rights, which had never been interfered with, of feeding their cattle in fence month, would have been continued to them after the Act of 1851?—It was expressly understood so, because I made inquiries immediately after that notice of Mr. Kennedy's came out in 1852, and the oldest people round my place did not know what fence month was; they had never heard of it, though they had heard of winter heyning; and you will find the same evidence in 1798 among the gamekeepers.

1923. And the words, the "beasts of chase," which keep the forestal rights of the Crown, were only intended for the purpose of keeping the verderers' court, but not for the purpose of enforcing the fence month?—I could not answer that. I could answer with regard to the seventh section, which saved the forest to Her Majesty, I believe; and Mr. Gardiner distinctly said, in 1851, that the Bill as introduced, which was in nowise altered as to that section, was to leave the Crown as the *quasi* lord of the manor; but the forest was kept up, and so the verderers' court was kept up, and their powers so as to maintain order.

1924. If the commoners had known that fence month was to have been enforced, and winter heyning also strictly under the Act of 1851, do not you think that the Crown got a very large compensation when they got 10,000 acres of land?—I am quite sure that the point was never entertained. They never believed anything but that with the deer the deer laws would go at the same time, what Mr. Castleman said in 1868; and I have heard Mr. Compton say so.

1925. Before the Act of 1851 the management of the forest was in three hands, the Lord Warden's, the Verderers', and the planting power was in the hands of the Office of Woods?—Yes.

1926. By the Act of 1851 the Lord Warden's office was abolished, was it not?—Not by the Act; it was abolished in the same year. It fell vacant, and there was no appointment, and the powers of the Lord Warden were transferred to the Office of Woods.

1927. And the Office of Woods have since managed the forest for the purpose of profit?—Yes.

1928. And therefore the spirit of the management has changed by the falling vacant of the Lord Warden's office?—Yes. The Lord Warden's was the recreative department; that recreative department has gone over to the financial department.

1929. And in that sense the Crown have enforced rights which have damaged the commoners?—Well, they have not enforced fence month, but they claim to do so.

Mr. Ryder.

1930. I think you heard Mr. Clutton's evidence?—I did.

1931. And you heard him state that he considered that nothing but a complete divorce between the commoners and the Crown would bring

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Mr. Ryder—continued.

bring to an end the present state of things?—I did.

1932. Do you agree with that opinion?—To a certain extent I do. I totally disagree with any suggestion of severance of interests on the part of the commoners; and as one of the public, for I consider myself as one of the public, as well as a commoner; but I should not mind the divorce if we could get another alliance; for instance, the Board of Works. Divorce us from the Office of Woods, and so agree with the prayer which Mr. Howard made and Mr. Clutton; but I think it would be politic to join us on to another Government department, say the Office of Works, which is not so strictly a financial department as the Office of Woods.

1933. Your opinion is against any allotment?—As strong as it can be.

1934. On what ground?—Upon the ground of the population. I believe that if there was a division of the forest, so as to give a compensation to each holder of common rights, you would get rid of a very peculiar and very estimable body of men. I say "peculiar"; I believe they are almost unique; I mean to say proprietors of small pieces of land with a common, who are able to manage so as to render themselves independent.

1935. You do not agree with what Mr. Clutton stated when he told us that the population of the forest was rather of an indifferent character?—I repudiate that as warmly as I can use words, because I have lived for 25 years in that district, I have acted as a magistrate, and I am one of the chairmen of quarter sessions; and, therefore, I have a very fair knowledge of where crime comes from in the county. I venture to say for my own district, and I think I may say for the whole of the forest, that crimes of dishonesty and violence are less frequent there than among any other population of the same extent that I know of in the county of Hampshire; and when anyone calls us, as Mr. Clutton has dared to do (I mean to say the smaller people), vagabonds, and I forget the other term which he used, I do say this, that I have a right warmly, on the part of the smaller landowners of my district, to repudiate that with something like scorn.

Chairman.

1936. Are you sure that Mr. Clutton spoke exactly in those terms of the population?—He compared us to a village full of vagabonds. You will find the passage in his evidence to which I allude, in the Answer to Question 1211. He says, "Nothing but a complete separation; and by the appointment of a commission, as has been done in all other cases; there has been no difficulty, no heart burnings, no jealousies, no discomfort; the thing has been carried through, and the whole of the populations of the districts have, I believe, been vastly increased in wealth and importance; I could mention one village alone, a village in Wychwood, called Leafield, which was, I should think, the haunt of all the poachers and vagabonds in the district, and now they are respectable, quiet, orderly people; they find additional work on the 3,000 acres which have been inclosed and brought into cultivation; in fact, they are altogether an altered population." Then Question 1212 is: "Do you know anything of the character of the population of the New

Chairman—continued.

Forest? (A.) No. (Q.) Have you any reason to know that they are anything in character like what the people of Leafield were some time ago? (A.) Well, they must be." I venture, on the part of that population, to protest as warmly as I can against such language.

1937. Will you read on what Mr. Clutton says at the end of that same Answer?—"When a man has got a precarious living he is driven to it; I am sure I should be myself if I lived on the borders of the forest." Thus, what he says is that they are poachers and vagabonds, with a precarious living. I venture to say that they are an honest, orderly, people, not with a precarious living, but getting a better living than any set of labouring men in England. And I venture to call attention to one point which has been pointed out to me, and which I did not discover myself (I am not the only person who feels warmly upon this). It is at Question 1643, in the evidence of 1849. That will enable you to see what Mr. Clutton thought of us when the deer were there, and before there was any disturbance, or altercation between the Crown and the commoners. The question put to Mr. Clutton then was this: "Do you think that it would be for the general interest of the neighbourhood that an Inclosure Bill should be brought in?" and his answer is: "I think the neighbourhood would be benefited by it, because we find generally that the population of a forest is not the most orderly, though as far as my experience has gone, I never saw a more civil or well-behaved peasantry than those in the New Forest." That is what he said in 1849. For some reason or other he finds us exactly the opposite in 1875.

Mr. Ryder.

1938. You do not think that it was the removal of the deer that could have made the difference? No; they were a good population when the deer were there, according to Mr. Clutton.

Mr. John Stewart Hardy.

1939. Do you think, now, that the commission has begun to take a little more interest in its work, that it is now able to protect the rights of the commoners?—I think it has a fair chance.

1940. But if things are to be left as they are, which I understand you to suggest, would you not recommend that the commission should be made more independent of the Crown?—I have no reason to complain of the nomination of the Crown, but I think as an abstract proposition the commission ought not to be appointed on the nomination of the Crown. I quite agree that it is appointed very fairly, but I think it ought not to be on the nomination of the Crown.

1941. Has such a thing ever been said to the commission as this, that if they go on resisting inclosure, it might be necessary to appoint some other persons in their place?—Yes, there is a passage on the 11th page of Mr. Howard's report of 1867, which can bear no other interpretation.

1942. In consequence of the right which the Crown obtained in 1851 to plant other trees than oak, do you think it would be reasonable, with regard to the remaining portion of the land which the Crown is to inclose, that they should inclose the worst part of the land, and plant it with Scotch firs?—I think not at all, if it is not shown

Mr. John Stewart Hardy—continued.

shown that they have got such a proportion of the best land already under inclosure, and then to take any more land, even bad land, would be against equity. Mr. Howard says now, that it is his duty to select the best land for planting oak and other trees; that this is his duty, and he says that it is the commoners' interest to drive them to the lower class land. We may do what we will as a Commission, and pass any number of inclosures, we have no power to carry it out; it would be only an altercation; on one side men wishing to drive the Crown to the poorer parts, and on the other side the Crown endeavouring to take the better parts.

1943. You would come to a dead lock, in fact?—We should come to a dead lock, because we ought to have further powers.

1944. You consider that either we must take away from the rights which the Crown have already acquired, or we must further diminish the rights of the commoners, or you must come to a dead lock?—Yes.

1945. And under those circumstances do not you begin to agree with Mr. Clutton that the best course would be to make a total severance of the interests of the Crown and commoners?—No.

1946. In fact, as a commoner, I suppose you think that the best course would be to diminish the rights which the Crown have already?—No; I think that we ought to keep the Crown to its equitable rights; and if the Act of 1851 is so inequitable as to work the extinction of vested rights, I think we have a right to go behind it, and ask the Legislature to help us.

1947. You do think that the Crown should be deprived of some of the rights which they obtained by that Act?—I think so.

1948. With regard to the shooting, does it not strike you, when you come to think about the matter, that the forest is a great national property, and that although it may be convenient for the residents to have the right to shoot in it, the public have an interest in that, and it is one of the few places where they can get that privilege at a moderate price?—As far as the public getting the shooting is concerned, I have nothing to say to that; but as they have treated the whole Deer Removal Act as one compact, I say this, that the alterations which they made in the Act of 1851 were against the spirit of the Act; I mean their alteration of the power of shooting by which they acquired an increase of revenue, and so by-and-bye a claim in case of inclosure when they drive us to it, which will have to be compensated for, is not in accordance with the spirit of the Deer Removal Act.

1949. By the Deer Removal Act the Crown were left in the position of a lord of the manor?—In the position of a *quasi* lord of the manor. As it stood in the Act of 1851 they could not get money by shooting licenses, because they were to be by the Sign Manual of the Queen; it would be impossible, under those circumstances, to get money out of it; but as soon as it was passed over to a department, of course they have a right to get money by it.

1950. But they only got it for a right which could belong to a lord of the manor?—Yes.

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Sir William Harcourt.

1951. You have given us a great deal of interesting evidence; but I should like to ask you, if you had your own way to do exactly as you liked in the present state of things, what do you wish done?—Well, I should wish first of all, to get as much equitable rights for myself and the commoners as we could get.

1952. We will leave out the adjectives, and say you would like to get as much for yourself and the commoners as you could?—No; as much for the commoners as I think they are entitled to.

1953. What do you think they are entitled to? In case of inclosure, do you mean?

1954. I want to have your view. If you had the power to-day to dictate what should be done, what is it you would wish to have done?—That the commoners should enjoy their rights of pasturage, pannage, turbary, and free passage over the forest.

1955. In what respect are those rights at present restrained to a degree to which you think they ought not to be restrained?—By the large bulk of the inclosures having been taken in, and going on to be taken in from the best land; by the power claimed by the Crown to stop all persons passing along forest highways, which are intersected by inclosures; both of which would damage, and are fast damaging, what I think the rights of the commoners.

1956. Are these inclosures that you speak of in your last answer the inclosures which have taken place under the Act of 1851?—Some of them.

1957. Do you want to go further back than the Act of 1851; do you complain of inclosures which were made before the Act of 1851?—I do of some.

1958. I do not understand how far you go back?—I complain of 2,300 acres being taken more than they had the right to take.

1959. That was before 1851?—That was under the Act that was in force before 1851.

1960. Is that all; I want to know exactly what is the extent of your complaint. You complain that the Crown inclosed 2,000 and odd acres which they were not entitled to before the Act of 1851?—Under the powers which they had before 1851.

1961. Now do you complain of all the inclosures that they have made under the Act of 1851, or to what extent do you complain of them?—I complain of them as a whole. It would take me a very long time to answer the question properly, because I must take each inclosure, and I must go into the quality of each inclosure, and tell you my objections.

1962. I want it generally; do you say that the Crown ought not to have inclosed anything under the Act of 1851?—I do not say that; I say they ought to have enclosed.

1963. If you do not say that, how much do you say that they ought to have inclosed under the Act of 1851?—All the land up to 10,000 acres which they had the means of planting, provided it was selected with due respect to the rights of the commoners.

1964. Who was to determine what was to be the land taken, and how do you propose that it should have been determined, or that it should

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Mr. Esdaile.

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Sir William Harcourt—continued.

now be determined?—I trust that the result of this inquiry will be, and therefore it is my proposal in answer to your question, although I do not venture to make any proposals to the Committee, that rights of inclosure should stop.

1965. Altogether?—Altogether.

1966. Then you say that, in your opinion, the rights of the Crown have already been exercised as far as they ought to be?—I say so.

1967. Then you propose that we should repeal the Act of 1851, and the bargain then made with regard to the removal of deer?—In the first place, I object to the Act of 1851 being called a bargain, and as to the other point, I say, amend the Deer Removal Act.

1968. Amend the Deer Removal Act, that is to say, by restoring to the commoners the balance which still remains, which was taken from them by that Act?—Yes, or which might have been taken from them by that Act.

1969. That, I understand you to say, is on the ground that, in your opinion, the Act was originally an unjust Act?—Yes.

1970. And that the Crown ought not to have received the powers which Parliament gave to it in 1851?—It ought not to have received the power which it has since been seen to have; I should not object to the powers which the solicitor in charge of the Bill said were given by the Bill.

1971. But now, supposing with regard to those 10,000 acres of land, you had had the selection or the direction of what land should be used for the purposes of inclosure, I presume that you would have given the Crown all the worst land?—Certainly not; I hope not at least.

1972. You say that the Crown has been trying to get all the best land?—Yes; I object to that very much.

1973. Then what ought it to have had; all the medium land?—An average.

1974. And how would you have had that determined?—By the help of surveyors.

1975. And you say that this provision ought to have been interpreted as meaning average land throughout the forest?—I say so distinctly; certainly it has been laid down so by Mr. Milne in 1848; you will find that he lays down that the principles upon which the land should be selected, are what can be best spared from the commoners, the fitness of the soil, and the convenience of passage.

1976. Then what I understand you to desire, is to stop altogether the process of inclosure, and to leave the forest in all other respects just as it is?—Yes.

1977. Without any attempt to regulate it in any way?—No, I do not say that; it is a point that I think might be entertained with considerable advantage to all parties, whether there should not be some power of making bye-laws and regulations; I should be glad to see a little more discipline brought into the forest than is possible now since the verderers have lost their powers.

1978. You think it would be an advantage to the forest, and to the people living in it, that there should be some method of regulating it?—I think so. I myself feel aggrieved when I see cattle turned out that do not belong to commoners; and I should like to see some bye-laws, some

Sir William Harcourt—continued.

commission taking care that the right of pasturage is properly exercised, and giving more power to let off stagnant water, for instance. Very much might be done with a view that fair order should be kept on it.

1979. I suppose you mean something like what has been done on a smaller scale at Wimbledon Common, and like what is contemplated in Epping Forest, that there should be some attempt made to regulate the district; otherwise it will be subject to all sorts of depredations?—I quite think so.

1980. It would be an advantage to everybody, to the commoners, to the Crown, and to the public, that that should be done, would it not?—I think so. I think if there could be some regulations by which the beauty of the forest could be maintained, the old woods preserved, by which only those who are commoners could exercise their rights, and by which the public might be enabled to use that grand forest as a place of recreation and resort, it will be a great blessing that we have ever had this inquiry.

1981. Do not you think that if there were some means adopted by which the most beautiful parts of the forest could be marked out and preserved from injury, and those were secured to public enjoyment, the residue of the forest, which would not have the same beauty, being appropriated to purposes beneficent to all the parties interested, that would be a good arrangement for all?—I must, æsthetically, protest against cutting up the forest, because you cannot set apart a portion of the forest without damaging the remainder. I have heard it stated that the old woods are improved by being put into inclosure. Now, I was at home on Saturday in last week, and I stood and looked at two old woods, both of them equally fine; one standing on a ridge, and having a glorious outline; the one that had never been inclosed had its natural outline, the oak ceasing at a certain point, the beech coming a little further down, and the hollies succeeding these, making a softened outline; the other, although equally beautiful before inclosure, was embedded in fir rapidly growing, and growing well, and with such thick under-growth that it was impossible to go through it, whereas you can ride through the other with great ease.

1982. Do you really think that Windsor Park would be improved by having open rights for everybody to going over it; that the trees and the grounds would be as beautiful as they are if those young trees and so forth were liable to injury from cattle?—I cannot conceive that the beauty of the forest would be improved by a vast number of people coming over it; nor do I think that Windsor Forest would be improved in that way; but I am sure of this, that the few that have come to the forest have never materially injured the forest, and are not likely to do so.

1983. I am speaking now of cattle, and animals of various kinds; you do not mean to tell me that they are not liable at times to do injury to trees, and so forth, which would otherwise grow up?—If you take it otherwise than financially, I think they do good. I believe part of the outlines of our woods are due to cattle.

1984. What is called the browsing line of trees?—Besides the browsing line, the outlines of the woods are thus formed from year to year, so far back

Sir William Harcourt—continued.

back in time that you cannot go to the beginning of it; it is in fact the financial damage done to one tree here and another there that breaks it up and forms the natural outline, cattle being in this way part of the hand of nature.

1985. Without going into the details, I understand you to say that you would like to have some system that would generally regulate the forest?—I should wish it.

1986. Your relations apparently are not of the happiest description at present with the Commissioners of Woods, as I understand?—Well, if all relations in which two parties are not agreed are unhappy ones, that is our case.

1987. You wish, as I understand, not to be judicially severed altogether, but to have another husband, as I gather?—I take up the objection of the husband to the wife; the wife has not in this case objected to the husband, but when objections are made on the husband's part, she falls in with them.

1988. I understand you would like rather to be allied to the Board of Works?—I mentioned the Board of Works for this reason, not that I have as a commoner any ardent love for the body of people who make up the Board of Works, but simply that the Board of Works, as I understand, carry on their business as a department on different principles altogether; they have an æsthetic as well as a financial view.

1989. If we use a more English word than "æsthetic," the Board of Works are a spending department, and the Commissioners of Woods are a revenue or earning department?—I understand that the Commissioners of Woods are a revenue or earning department; I understand that the Board of Works are both a spending and a receiving department, and that there are estates on which they receive as well as spend.

1990. I take it that the Chairman will tell you that they receive very little and spend a great deal?—I know in the presence of whom I am speaking, and therefore I am careful.

1991. Naturally enough, as a resident in the forest, you would like the Board of Works to come down there, and live like gentlemen, and spend their money, or rather that of the public?—No, indeed; I wish to see a *modus vivendi* for the Crown, as well as a *modus vivendi* for the commoners; and when I look there and see 20,000 acres of plantation which they say are managed well (and I believe it) for financial purposes, I wish to see them managed well for financial purposes; at the same time I wish to see the commoners' rights preserved, and the beauty of the forest preserved.

1992. I do not know whether you have ever looked at the accounts of Windsor Forest, which I think is under the Commissioner of Woods, I mean the debtor and creditor accounts of Windsor Forest?—As far as my remembrance goes it is very strongly on one side.

1993. It is on what probably the chairman would call the wrong side?—I should think he would call it on the wrong side, certainly.

1994. And you would like to see on the part of the public, I presume, that the balance should be arranged much in the same way in the New Forest?—Most decidedly not, because I want to see a revenue derived from the plantations. At this moment the Crown does not receive anything worth speaking of from the wastes, and it has been 0.100.

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laid down over and over again by the officers of the Crown that they have got nothing but deer feed and timber; and therefore on the wastes they have little or no profit; except the shooting, they have got little or no finance coming in at this present moment; I say, use your powers of plantation for financial purposes; we commoners do not want to touch the money; we should like to see it producing thousands a year to the country, and to ourselves as part of the country, but do not interfere with our rights, which are exercised mainly where there is no production to the Crown; do not make the rest of the forest a financial question, because it is better it should remain as a resort for the public.

1995. There is a great deal of wild desolate land which you pass over going from Rufus Stone to Ringwood, is there not?—It is wild, but I should not say desolate.

1996. That is not planted or used in any way, is it?—Yes, part of it is planted, and part used by cattle.

1997. Which is the part of the forest which you say is not now used, and which you say the Crown might use with advantage. I understood you to say just now that they are not making anything like so much money out of the wastes as they might do?—No; all I said was that they never had, and that they have not the power to make money out of the wastes; they have no claim on the wastes at all, except a small claim which has lately sprung up for shooting, which we say is theirs.

1998. You wish that to remain as it is?—Yes, but I do not want to give them profits out of a place which they have not got profits from. I want to keep the commoners in their common law position which they have always had; I want to keep the Crown in its portion which it has always had. The Crown is trying to take up a different position from its old common law position. We commoners are left, and desire to be left, in our common law position.

1999. I may have misunderstood you, but I thought you said that by a different management more profit might be made out of the Crown property?—No; I have never said that.

2000. Then I have entirely misunderstood all your evidence. I understood you to say that if the management of the forest were placed in the Board of Works, you thought that the forest might be managed more profitably?—I said more properly, I did not use the word "profitably." I never flung out a suggestion that there would be more profit to the Crown from keeping the lands open. It cannot be. I ask that the commoners may not lose what belongs to them. What is left open is totally the commoners', except the natural growing timber.

2001. Your view (I understand it quite clearly) is that after the removal of the deer, the Crown stood in the position of a simple lord of the manor?—Yes, a *quasi* lord of the manor.

2002. Why do you say "*quasi*": unquestionably the Crown would be absolute lord of the manor, and have all the rights of the lord of the manor, plus the forestal rights, before the Deer Removal Act, would they not?—Yes; but it was not the lord of the manor, the forest is not a manor.

2003. It was the rights of the lord of the manor, and something more?—It may have been the rights of the lord of the manor, but the forest

Mr. Esdaile.

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Sir William Harcourt—continued.

forest is not a manor; therefore I say "*quasi*" lord of the manor.

2004. You do not deny that the Crown has all the rights which a lord of the manor would have?—Yes, that is the case.

2005. And before the Deer Removal Act they had in addition the forestal rights?—Yes.

2006. You understood the Deer Removal Act to mean that that was a total abandonment of the forestal rights in consideration of 10,000 acres of inclosure?—I did so, apart from the Verderer's Court.

2007. Now I understand you to contend that it ought to be a total abandonment of the forestal rights, but that they are not to have the 10,000 acres?—I say that they are not to have the 10,000 acres, if the 10,000 acres when taken would show a greater proportion than is now, by the Crown themselves, allowed to be the share of the Crown; and we shall call surveyors before you to show that the great portion of Mr. Clutton's 10 s. or 5 s. land has been taken into the inclosure; and it is not the acreage only, but it is the quality of the soil also which enters into the matter; and if we are going to be extinguished, we wish to put out our case before the Legislature before we are.

2008. Now about the game, I do not understand you to contend that people, simply because they are residents in the forest, are entitled to have the shooting let to them for a nominal sum?—No, I have never said such a thing. What I say is this, that the Deer Removal Act having a special section, which put the licenses in the New Forest in a separate and distinct position from licenses in other forests, under Her Majesty's own Sign Manual, was part and parcel of the Act of 1851, and that we complain rather of the repeal of a section of that Act for a financial purpose.

2009. Would it not have come to the same thing, supposing that a license had been issued to one person for 2,000 l.; what is the difference between that and a lease?—We covered ourselves, we held a letter of arrangement between Mr. Howard and ourselves; we were opposing the Bill; we most perfectly understood that this was not to be a virtual lease by the granting of one license, and we said, "We will go on with our opposition, unless you pledge that to us." The association defending their rights, opposed the Bill in the House of Lords, and withdrew the clauses on conference, and then they proposed the power of licensing, and we said, "We shall go on with our opposition, because we must have it understood that one license only is not to be given so as to make a virtual lease of it."

2010. May I ask, was this agreeable arrangement revealed to the Committee?—What Committee?

2011. The Committee that passed the Bill?—The Committee that passed the Bill was gone and dead a long time; that was in 1866.

2012. I understood you to say that this arrangement was part of the terms on which the opposition to the Bill was withdrawn?—I am speaking of the Bill of 1866. The number was to be not less than 30, or more than 80.

2013. At some time or other you had an opposition, and you withdrew an opposition to the Bill on a private arrangement that the sporting right should be let to a certain number of gentlemen,

Sir William Harcourt—continued.

not less than 30, or more than 80?—No; I said that they withdrew the clauses giving them power to lease, upon our opposition; they then proposed to introduce a clause for licensing, and we said, "We cannot oppose that clause for licensing as such, but we shall continue our opposition in the House of Lords, unless you give us to understand that that is going to be used *bona fide* as a power of licensing, and not of leasing." We did not say who shall have it. It is open to all England, and is used by all England.

2014. There were to be not less than 30, or more than 80?—Yes, on the very principle which you put. What was the use of opposition when there might have been one license given over the whole forest?

Mr. Ernest Noel.

2015. I think we are to understand from you that if all the lands that have been submitted but not approved had been inclosed, in your opinion a larger amount would have been inclosed than was authorised by the Act of 1851?—Certainly.

2016. And I also understood you to say that the Crown can always keep, under your reading of the Act of 1851, 32,000 acres in forest, either inclosed or otherwise?—In wood.

2017. But that they have no right to plant the remainder of the forest?—No, certainly not; that is my view.

2018. Now just one question about the land that is to be taken; the object of planting was for revenue?—Quite so.

2019. In your evidence you have already said, I think, that some of the land planted bears wood so bad as to be almost worthless?—I think it will be the case, because the difficulty of selecting tracts of land, where the soil is of such a varied character as in the New Forest, is very great indeed, and you cannot inclose a plantation of considerable acreage without inclosing some land that eventually turns out not good oak-producing land.

2020. But then it does seem by that evidence that the Commissioners, or whoever had the power, have not inclosed all the best land, but have already included a good deal of very inferior land?—They have included some, of course.

2021. But you do not think that they have taken a sufficient quantity of that bad land?—I am as sure of that as a private individual can be; and we have instructed surveyors to come and speak about that.

2022. Planting is expensive, is it not?—Yes.

2023. And if you take the worst land it is hardly worth the planting?—No, I do not say with fir; I am distinguishing between fir and oak.

2024. You think it is still valuable?—I think you may say that there is not any land taken in which will not grow something.

2025. And you think that it was the intention of the Act of 1851, that they were to take in land that would grow oak and inferior trees?—Yes.

Mr. Cowper-Temple.

2026. Did you intend just now to put before us the view that you considered the New Forest as a great national park, of which nearly one-half

Mr. Couper-Temple—continued.

half of the land is growing timber for profit?—Yes, that is my view as one of the public.

2027. And you intended to suggest that you would look with some hope to the transference of the management of the forest from the Commissioner of Woods to some department that would preserve the park for national purposes, and at the same time get as good a profit as possible by growing timber?—Quite so. I took upon myself more, perhaps, than I ought to have done when I suggested the Board of Works; but a commission would have the same result if managed so that one part of the forest should produce a financial result for the land revenue, and the other part should be looked upon as to be dealt with not for the purpose of making a financial profit to the public.

2028. Have you any idea that an expenditure could be made upon the forest that would be advantageous to the commoners by such a change?—I do not quite understand that question.

2029. It was suggested that you might be expecting that if a Parliamentary spending department had the direction of the forest, the result might be some expenditure on that forest which would become beneficial to the commoners; is that the case?—I have not any idea of that; we do not desire to get any Government money; we only desire to retain the value of our own.

2030. In Mr. Howard's report of 1867, he suggested that the commoners were trying to appropriate Crown property; do you admit that there is any ground for that suggestion?—There is not the slightest ground for that. What was said was, that it was the same endeavour that we are making now, and was for the purpose of getting hold of the financial profits of the Crown; there is not the slightest ground for saying so.

2031. Had the nature of the rights of the Crown, as existing before 1851, been defined in reports and evidence of Committees?—Yes, I have mentioned many of them.

2032. Just give us a summary; were they mainly the rights of deer and timber?—Yes, deer and timber. There is evidence after evidence of officials in the department of Woods, that all they could claim on the part of the Crown was deer feed and timber.

2033. Now must the right of planting 10,000 acres, in lieu of keeping deer, be more destructive of any rights belonging to the commoners, than the deer themselves could possibly have been?—It must have been so, because the deer were not destructive of the rights of the commoners at all; and there never has been a complaint that the deer were destroying the common pastures; whereas the inclosures, if carried out, will utterly destroy them. There is no complaint, nor could there be any complaint, of that sort, of the deer; there was plenty of pasture for the deer and the cattle. What complaints were made were made about their incursions on private land, and not about their eating out the cattle out of the forest.

2034. Looking at it financially, do you think there can be any doubt that the land which the Crown can inclose, must be an ample compensation for their losing the deer, and all the rights appurtenant to the deer?—With my views, I think it is too much.

O 100.

Mr. Couper-Temple—continued.

2035. Do the commoners consider that their interests are in any way conflicting with the privileges of the public, or are the two in exactly the same direction?—They must be in the same direction; we commoners are desirous to keep the forest open. If it is kept open, the public have the advantage of the use of it; and therefore we are proceeding on the same lines.

2036. And do you think that that is a feeling which is general among the commoners?—Yes; I have never come across any other feeling, with very few exceptions. I know one landowner or two, one especially, who, living a long way from the forest, would very much rather see it inclosed, because he would get a slice; but as a rule, almost without exception, all the commoners desire it to be kept open.

2037. In the Inclosure Acts, has the New Forest been excepted as a special case?—Yes; the New Forest is specially excepted from the General Inclosure Acts.

2038. We have had some discussion about what were called the privileges of the public in regard to the forest. What opinion do you hold on that point?—The petitioners in the 7th clause of their petition speak of the "privilege of free passage over the open forest." Now I am quite sure that whoever drew up that petition, and whoever signed it, never stopped to look into a law dictionary to see the meaning of "privilege." It is said that the public are there now by favour of the Crown. That may be or may not be the abstract law; but I say, that practically they are not there by the favour of the Crown. If they are there by the favour of the Crown, the Crown could bring an action against anybody using one of those tracks with which it is covered. But still more, as one of the public, I say this, that the freedom of passage over that large area is a useful thing in England, and that that is perhaps the only place where the public can wander at will without being warned off by a gamekeeper, or threatened by a landowner; and I think it is very important indeed to keep it so. It would have been utterly destroyed if it had been let, as the Crown proposed, for a game preserve.

2039. In the Deer Removal Act is it not prescribed that highways shall be regarded even in the case of inclosure?—There is a section especially for that.

2040. And I need not ask you this, those highways could not be confined merely to residents, but must be for the public of England?—For the public of England; it is very difficult to say what is, and what is not, a highway; but I venture to say with regard to all the tracks of the forest that you would find it very difficult indeed to bring a man up and convict him before a court of law for trespass if he were using one of those tracks.

2041. Supposing the Crown were to exercise the powers that it claims, and to convert the whole of the forest into a vast wood, would not that materially affect the value of the forest as a national property?—I am not sure; I cannot answer that, because it might produce a financial result from the process of planting, but I believe it would be a mode of management which no private proprietor would think of adopting.

2042. Do you think that the value of the forest as a park of great beauty and for enjoyment has been diminished during your recollection?—

Mr. Esdaile.

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Mr. Esdaile.

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Mr. Cowper-Temple—continued.

tion?—If you look upon the tract of land as what it is worth in the market, which I suppose is the only way to look at it for value, I believe it has been infinitely deteriorated by the process of planting.

2043. Have you observed that the old woods have materially diminished since your day?—I should say half.

2044. And the old woods that have been diminished were those that were self-sown, and had the charms of nature, while the ones that are substituted are regularly planted?—Yes; you are alluding to what we call the ancient woods; they take a separate and distinct form from the plantations.

2045. Supposing that an inclosure were to be adopted, do you think it would be possible to compensate the smaller freeholders to the same extent as the large landed proprietors?—I am perfectly certain it would be their ruin. I gave the number of small owners the other day, and if they were to have a quarter of an acre of heath five miles off, or even a quarter of an acre close to their residences, I believe they would be all absorbed in larger properties in a short time. In that place which I represent, Burley, we are 750 inhabitants; I cannot tell you the number of freeholds, but it is very large; and there are 57 county votes in that little place; and I think if an inclosure was to be carried out, you would just be laying down this principle, that no poor man, ever after, is to be a landowner.

2046. Do you suppose that if the ordinary course of inclosure were adopted, and a piece of land were given to each person who claimed a right, there would be any prospect of that land remaining in the hands of those poorer persons, or would those pieces be sold?—They are certain to be sold. I never could believe in a peasant proprietor without a common; I have got the utmost belief in a peasant proprietor with it; we have in my knowledge no poverty at all except what is brought on by some downright misfeasance.

Chairman.

2047. "Vagabonds"?—The vagabond or two may exist, but we have no poverty.

Mr. Cowper-Temple.

2048. Is it usual for these small freeholders, and those who exercise the rights of common, to eke out their living by wages for labour?—Yes; I have employed from time to time men who would not take my employment if it were for the whole year; they have got their own little place to manage; they manage it late and early, and

Mr. Cowper-Temple—continued.

labour at other times; and I can say that these people are increasing in number, and I venture to say that there is no other part in England where the number of small landed proprietors of three or four acres is increasing.

2049. Will you explain how they have increased?—By splitting up their holdings; their holdings of 20 acres have been brought into four holdings, and then each of them retains its own little portion of common, and they go on as separate freeholds.

2050. Is that usually by sale or by inheritance?—By sale.

2051. Do cases often occur where they sell out the whole of their property?—Yes; every now and then they change hands. They build a house, and get into difficulties, and it is mortgaged and sold; but it is always the same class of persons who buy.

Colonel Kingscote.

2052. What is that class?—The labouring class. A labouring man has just died at my place at Burley, and I believe he was worth 600*l.* or 700*l.*; his wages were 12*s.* a week all his life.

Mr. Cowper-Temple.

2053. In other parts of England we have found that the large landed proprietors have purchased the land of the freeholders; does that occur in the New Forest?—I suppose not, because there is an increasing number of freeholders; speaking for myself, I have found smaller men who have saved their money absolutely gave more than I could afford to give, because they desire to be independent. They work, some of them, much harder than labourers. There is a great charm about the independence.

2054. Do these rights of pannage and common give to the land a value to the poor men which the rich man would not obtain?—I think so. The right of pannage is a very valuable one. In a good season the pigs which are turned out for acorns will make as much as 20*s.* a head; and that is where the money comes from.

2055. In the petition of the residents of the New Forest it is stated that "the common rights are better defined, and more ancient, than the exercise of forestal rights in the forest;" what are the grounds for that statement?—The grounds for that statement are that we know when the formation of the forest took place, in William the First's time, and that the system of common rights existed then; and that therefore being more ancient than William the First's time, they are more ancient than the forest, and they are perfectly defined.

Tuesday, 15th June 1875.

MEMBERS PRESENT

Mr. Biddulph.
Mr. Alexander Brown.
Sir Charles Dilke.
Lord Eslington.
Sir William Harcourt.
Mr. John Stuart Hardy.
Colonel Kingscote.

Mr. Ernest Noel.
Earl Percy.
Mr. Ryder.
Lord Henry Scott.
Mr. William Henry Smith.
Mr. Cowper-Temple.

WILLIAM HENRY SMITH, ESQ., IN THE CHAIR.

Mr. JOHN CLUTTON, re-called; and further Examined.

Chairman.

2056. THE Committee have been informed that you wish to correct your evidence in one or two particulars, and if you would be so good now as to state what it is you wish to correct, the Committee will be happy to hear you?—On page, 100 at Question 1175, on the 4th of June, I say that my report in the year 1849 “was based upon my experience of an ordinary lord of the manor, as distinguished from the owner of a manor.” I meant, of course, “as distinguished from the lord of a forest”; and it would not be sense if I did not alter it.

2057. What other correction do you wish to make?—There are some verbal corrections which I need not trouble you with. Then on page 102, at Question 1200, I am asked, “That was your interpretation of the Act of 1851,” and in the last line but one of my answer I say, “I did not think it was fair to make it 10,000 instead of 14,000 acres.” I intended to say, “I did not think it was unfair to make it 10,000 instead of 14,000 acres,” for the simple reason that the 10,000 with the rolling power, I thought was reasonable.

Mr. Cowper-Temple.

2058. There is a little ambiguity in this answer which you first rectified, at No. 1175. You say that that opinion of Sir Vicary Gibbs and Sir Thomas Plumer was a basis for your calculations?—Yes.

2059. Did you mean to say that you knew of that opinion in the year 1849?—No, subsequently.

2060. At what period?—I could not say. I can tell you practically when it was: when I had to go into the calculations for the inclosure of the Forest of Hainault. The Act in the case of the Forest of Hainault was passed in 1851, I believe. I can give you the date of the Act if you wish it, but that was when I had practically to go into the question of the Crown's interest; I had then to consider the whole question. I find that the Act was the 15 Vict. c. 43.

0.100.

Lord Henry Scott.

2061. When you gave evidence in the House of Lords Committee, in 1868, I suppose that opinion was before you?—I had inclosed almost all the forests previous to that. I had acted for the Crown in the inclosure; I never acted for the Commissioners, who were the parties performing the inclosure.

2062. I did not want to ask that question; I merely wanted to ask if the opinion you quoted to us was known to you in 1868?—Certainly it was, because I have stated before that I was aware of it when I acted for the Crown in the inclosure of Hainault. Then, on page 104, at Question 1226, the words of my answer here are, “But as regards pasturage, assuming that even one-fifth were set out in common, that is 15,000 acres.” Of course I did not intend to say that one-fifth was 15,000 acres, because that would be one-fifth of 75,000 acres. I never intended to express an opinion at all as to the proportion to which the Crown was entitled in this case, but, reasoning upon it, I simply intended to say, “Assuming that even one-fifth, or say 15,000 acres,” and so on. I never intended to express an opinion at all; it was only a matter of reasoning. I have given no opinion upon this question at all. I have stated the facts which have come under my own knowledge since the year 1849. Then on page 104, at Question 1241, I am asked, “Does not the right of sporting belong to a lord of the manor generally?” My answer is, “My impression is that it does not; certainly not in all cases.” My answer should be, “My impression is that it does, but not in all cases.” Then Mr. Rodwell asked me, on page 107, at Question 1295, “I wanted to see whether you could give me, amongst those instances, any instance strictly analogous to this?” Being asked suddenly, I did not really answer quite accurately. My answer was, “I think Hainault was, except simply in this way, that there was no power of inclosing coppices.” My answer should be, “I think Woolmer is, as there was a power of inclosing.” In Woolmer there was a power to inclose

Mr. Clutton.

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Mr. Clutton.

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Lord Henry Scott—continued.

inclose 2,000 acres in respect to the right to deer.

2063. Then you meant Woolmer to be an analogous instance, instead of Hainault?—Yes. Then the next question is, "And to those in the New Forest;" and my answer is, "In the cases that I have mentioned to you the lord had the right to keep deer; in all cases they had not deer upon them." It is only striking out the words "but they had the right to keep deer," and inserting "in all cases" before "they." It will then read, "In the cases that I have mentioned to you the lord had the right to keep deer; in all cases they had not deer upon them." On page 108, at Question 1334, I am asked, "Are there a great many oaks in Mark Ash?" I am made to say "Yes," but I intended to say, and what I believe I did say, is "not a great many." Then on page 110, at Question 1362, I am asked, "I understand you to say now that your opinion is that it was a bad bargain for the Crown in 1851?" The answer put here is "I assume that the 5,000 acres inclosed since would be considered as part of the commoners' claim." I could not possibly have intended to say that that 5,000 acres was a part of the commoners' claim; what I intended to say was, "I assume that the commoners would be credited in account with the value of their interest in 5,000 acres inclosed since."

2064. What did you mean by "the value of their interest in 5,000 acres"?—I mean supposing you went back prior to the Act of 1851, that would be taken a part of the common over which the commoners would have right of pasturage.

2065. As if it had not been inclosed, in fact?—Just as if it had not been inclosed. Then at Question 1366 I am asked, "Did you take that into consideration?" The answer here is, "No, I did not." What I meant to say was, "I did not take the forestal rights sufficiently into account." I perfectly knew that there were deer in the forest when I made that estimate; but that estimate was made under very peculiar circumstances. If you will allow me I will state under what circumstances.

Chairman.

2066. The Committee ask me to ask you how it was you could take the deer into consideration without taking the forestal rights into consideration?—As I have explained before, I had then no experience whatever in a forest, and I did not really know what forest law was or what forest rights were. I have stated that before; and that is exactly the fact. There is scarcely anybody, unless they have had actually to estimate these forest rights, who has a knowledge of these forest rights as distinguished from the rights of a lord of the manor; and I confess that in 1849 I had had no experience of a forest; I knew there were deer, but I did not take into account other forestal rights to which the Crown was entitled.

Lord Eslington.

2067. May I ask, because it is important to know this, were you not in concert with the Solicitor of Woods at the time when you gave that evidence?—I had never spoken to the Solicitor of Woods at the time. My first interview was with Lord Duncan. I went with Lord Duncan to Eltham; that was my first introduction to the Office of Woods; I had never seen a forest, and

Lord Eslington—continued.

I knew nothing of the forest laws. My instructions came from the Office of Woods, and I never had any communication, directly or indirectly, so far as I know, with the Solicitor to the Office of Woods. Your question applies, as I understand, prior to 1849 or in 1849.

2068. When you gave that opinion as regarded the respective rights of the Crown and the commoners, which you estimated at one-half each?—Yes. Further than that I will say distinctly, that in estimating these rights, I had never had any instructions from the Solicitor of the Office of Woods at all. I had never had anything to do with the fixing of the 14,000 acres, nothing whatever. My answer, which I have corrected here, will show you that, if that rolling right were established by the Act of Parliament of 1851, though it was not unfair to alter the 14,000 to 10,000, I never had anything to do with the 14,000 either directly or indirectly. I never was consulted.

Mr. Cowper-Temple.

2069. Do we understand that you took either a fourteenth or a sixteenth as lord of the manor, and took nothing at all for the forestal right of keeping deer?—That goes into the whole question. I do not admit either a fourteenth or a sixteenth. It must not be assumed that I admit that a lord of the manor is entitled only to a fourteenth or a sixteenth; I say that that has nothing to do with the question, because all those questions must depend upon the state of the commons over which I exercise my powers of valuation.

2070. But are we to understand that your estimate of that proportion was founded only on the right of the lord of the manor, or did it include in some form or other the deer?—My intention was, no doubt, to include the deer; but if I had acted simply for the lord of a manor I should have put that same valuation upon it; and I say now with that rolling right of the 6,000 acres of land, with the quantity of land then covered with timber in the forest, any lord of a manor would have been, in my judgment, entitled to half that forest. That was my decided opinion then, and is now. I was going to explain to you why it was that I made that valuation, which at the time I knew was a very low valuation. I was appointed as I thought under very peculiar circumstances, and these were my instructions. This is the question I was asked to report upon: "As to the general adaptation of the different tracts and various qualities of land in the forest for the purposes of agriculture, growth of timber or pasturage, and their most profitable future application; their extent and values, in your opinion, respectively in their present state; the estimate cost of their reclamations from waste, and the estimate value per acre, if reclaimed."

2071. I did not understand your previous answers. You stated that you took the rights of a lord of the manor, but you also had some reference to the deer; and you say you would have taken the deer in an ordinary case of the lord of the manor; but supposing the case of a lord of the manor where there are no deer, would that have made any difference?—I tried to answer that question by saying that although there were deer, and although I knew there were deer and took them into account, still, knowing so little as I did of the forest law, I took it more in the sense

of

Mr. Cowper-Temple—continued.

of an ordinary lord of the manor, than I did as lord of a forest.

2072. Then we may understand that you did allow something for the deer?—I took them into account; but when you consider that I was called upon to make an estimate of 60,000 acres of land, that I was 12 days in the forest, and that I was examined two days afterwards, is it, to say the least, likely that I could have taken into the account all the circumstances which it would require to take in making an estimate of that class of property?

2073. Will you explain how you could take into consideration the deer without taking a forestal right into consideration?—Because in my ignorance I distinguished between ordinary deer keeping, which I thought an unprofitable right, and the right strictly construed under forest law.

2074. Then if the right of keeping deer was an unproductive right, how could you have accounted for that except through the form of a forestal right?—I said in my evidence then that the deer must have been very unproductive to the Crown.

2075. Then if the deer were themselves unprofitable, the only advantage that the Crown had from keeping deer was what is called a forestal right?—It was the right to keep deer. I do not care what it costs the Crown, or what it costs anybody else; the right of the Crown to stock that forest with deer remains. In fact since 1849, it is what I have constantly had to deal with in the inclosures of forests which have taken place, some five or six, since that time; and I give you the facts as regards those inclosures; not opinions, but facts. I did not settle quantities; the quantities are settled by commissioners appointed by Act of Parliament, and appointed by the Lord Chief Justice, or authorities outside the Office of Woods altogether.

2076. Are we to understand that in your calculation you put a certain amount for the rights of the lord of the manor, and a certain amount for the right of keeping deer?—I did not distinguish them at all. I put roughly, as appears on this paper before me, not half and half of the whole common, but half and half for a portion of the common.

2077. Did you mean to say that you did not distinguish them in your own calculation?—I did not.

2078. Is that a usual way of making a calculation?—I had not the time and it would have been impossible for anybody; I was 12 days in the forest, and I believe it was only two days, it was either two or three days before I gave evidence, how is it possible for anybody under such circumstances to give you an accurate calculation?

Lord Eslington.

2079. When you gave that very important evidence of which you are now speaking, in 1849, and upon which so much has been since based, did you qualify your evidence at that time with the very important reservations which you have now made before this Committee?—No, I did not, because the question was never asked me. If I had been asked any question upon it, I should have given the same facts as I have given you now with regard to the inclosures that have taken place since Hainault, Wyckwood, Woolmer, and part of of the Forest of 0.100,

Lord Eslington—continued.

Dean. I should have given them precisely the same facts, and should not have given an opinion at all.

2080. Then we may assume that the evidence that you gave at that time was eminently evidence calculated to mislead the public, coming from a man of your weight and authority?—I do not think so at all. Show me any question in which I attempted to mislead the public or the Committee.

2081. I did not accuse you of attempting to do that; but I say evidence of that nature, coming from so authoritative a source, and given without qualification or reservation, must have been calculated to mislead the public; is not that so?—I cannot see it at all. It was not a point in question, so far as I know.

Lord Henry Scott.

2082. There is a point which I think you must have made a mistake in, and which has escaped your notice, in the evidence which you gave to us the other day; perhaps you will refer to it. At Question 1305 you give a strong opinion as to the power of the Crown in respect to deer; your words are, "I say that to the reversioner having a right to keep the deer, and to drive everybody off, was a more valuable right than the right to inclose 10,000 acres." I suppose you would wish to correct that, or to qualify it, because the Crown had not the right, I believe, to drive off the cattle, except at stated periods of the year?—I only meant by that, by the keeping so large a number that it was not worth any one's while to put on any great number of cattle. I have stated before in evidence (it appears in the Blue Book), that I admit with the right to keep deer, a certain portion of cattle are essential for the proper keeping of deer. I had said that before, and probably in the evidence of 1854.

2083. The point I mean is this: the Crown has, no doubt, a right to drive off cattle for six months in the year; that is, five months in the winter, and one month in the summer?—I did not say that, and did not intend that.

2084. You did not mean that it was an unlimited paramount right to drive cattle off altogether?—I mean to say that the Crown has a paramount right to keep as large a stock of deer, if it chooses, as practically to drive off the cattle.

Mr. John Stuart Hardy.

2085. But is not that practically entirely prevented by the fact that if you kept a sufficient number in the summer they would be all starved in the winter?—No; I think not. I do not mean to say that the Crown can send its servants to drive cattle off when it pleases. All I mean is, that by its paramount right of deer, it can practically deprive any very large amount of cattle of their feed.

Lord Henry Scott.

2086. In 1868 you gave evidence upon the question of the paramount rights of the Crown, and I observe that you said this then, in your answer to Question 744; the question was: "How did they estimate the Crown's rights; like a lord of the manor's rights?" and your answer was: "The lords of the manor have no forestal rights; no rights of deer feed; but, as regards other portions of the claim, we deal with them just as we do

Mr. Clutton.

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1876.

Mr. Clutton.

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1875.

Lord Henry Scott—continued.

do with the lord of the manor rights; the rights of the lord of the manor depend entirely upon what the lord has upon the soil; if he has a great deal of timber and underwood, his rights are very much larger than if it is bare common." You did not say anything in 1868 of this change of opinion which you had undergone, owing to Sir Nickery Gibbs and Sir Thomas Plumer's opinion, although I think you just now said that you had seen it before you gave evidence in 1868?—In 1868 I had seen it, of course, because I had been acting upon it; for the Act of inclosure of Hainault was in 1851, and all the other Acts upon which I had been acting for the Crown had all passed, and the inclosures had all been made. Those are not opinions; they are facts.

2087. You did not say anything then to show that you had made so serious a change of opinion in 1868, when you were examined with regard to the Deer Removal Act?—I really did not think it was at all necessary; the facts were patent; the Acts had passed, and the inclosure awards were all public documents.

Sir William Harcourt.

2088. There is one question which I wish to ask you. From your point of view, I understand that what you desire, is that the New Forest should be made, as far as it can be made, a timber reserve for the use of the nation?—Yes, so far as the correct rights of the Crown are concerned.

2089. That is the object for which you desire the rights of the Crown to be exercised?—Yes.

2090. You do not contemplate, as I understand, selling or making away with Crown lands, whatever they may be in the New Forest, for other purposes than that of growing timber?—No; I intended, and I hoped that I had expressed my intention, that, first of all, the point is to separate the interests of the commoners and the Crown, which are always in conflict; and having ascertained their respective rights, to set out allotments to each party, to be dealt with hereafter as Parliament may strictly decide.

2091. But leaving aside the question of separation of rights, I understand that, as far as the Crown is concerned, what you desire is, that the land should be used for the purposes of growing timber for the public use?—I think so, because to a great extent it has such a crop upon it, that it cannot be otherwise used or diverted from that object without great loss; but that cannot be properly exercised as long as there are conflicting interests.

2092. Now let me ask you this; let us take a portion of the forest like Mark Ash Wood: I understand you to say that timber cannot be properly grown and continued in such a place as Mark Ash Wood, unless you have a power to put a fence round it to prevent the cattle from injuring the self-sown timber?—Certainly it cannot; the state of the forest shows that.

2093. Then what you contemplate, as what would be likely to happen, would be that in the course of time the ancient trees of Mark Ash Wood would perish, and there would be nothing to take their place?—If it remains an open forest nothing would take its place. When I say "nothing," I do not mean to say that one or two trees could not get up; but in talking of a great district like this, I mean to say nothing profitable would get up.

2094. Suppose you take a tract like Mark Ash

Sir William Harcourt—continued.

Wood, and the fine ornamental timber in that immediate tract, and put a fence round it, what you contemplate is that then self-grown timber would get up?—No question it would to a limited extent.

2095. And that then the old trees would be replaced by the new trees growing up?—No doubt.

2096. That would not be inconsistent, would it, with making provision that the cattle should be excluded, but that the public have access to it, just as they do in Richmond Park?—I have never contemplated otherwise. I think it would be quite right that the most beautiful parts of the forest should be open to the public for recreation.

2097. You would make, in point of fact, a number of Richmond Parks, as it were, in the New Forest, having a fence round the ornamental timber, and having lodges and gates by which the public might be as freely admitted as they are to Richmond Park?—Yes, without the intrusion of commoners, because there are no commoners in Richmond Park.

2098. As far as the public are concerned, ample provision might be made for them by gates and stiles, just as there is in Richmond Park?—Yes, there would not be the least difficulty.

2099. And you might treat a considerable number of acres, where the ornamental timber really grows, in that way, and at the same time make a provision for new timber growing up to replace the ancient woods?—Yes.

2100. Do I rightly understand you that on the part of the Crown you do not desire or contemplate felling and grubbing the ancient ornamental timber?—I think it would be highly inexpedient; I think it would be a great damage to the property for any purpose, except that I should limit that again in this way, of course the old timber does not pay immediate income, nobody can question that; but the land, as I have said before, is worth five times as much with the timber upon it as the land would be worth without the timber; therefore no prudent man I think would cut that timber.

2101. Then in point of fact the interest of the Crown would be to treat the ornamental portion of the forest very much as a gentleman treats his park, only allowing the public to have access to it so far as it was not injurious to the timber?—Certainly, the public would be in the position of the occupiers of the park to a great extent, they would have the enjoyment of the beautiful parts of it; but it seems to me absolutely foolish to keep up 60,000 acres for that purpose.

2102. I am not speaking of 60,000 acres?—Assuming that the Crown gets half, I say that it would be foolish to keep up 30,000 acres for simple enjoyment; but no doubt at the same time 30,000 acres for the cultivation of timber might be kept up for the enjoyment of the public.

2103. And as far as the process of growing timber is concerned, it is not at all necessary, as I understand, to exclude the public?—Not the least in the world; that is shown in Richmond Park, because I have thrown out plantations there; they are thrown out to the public and no injury is done them.

2104. And there would be no difficulty in treating generally the portions of the New Forest which the Crown was authorised to enclose very much as Richmond Park is treated?—None.

2105. The

Sir William Harcourt—continued.

2105. The same enjoyment being given to the public as is there given?—No doubt.

2106. I have a question now to ask you as regards what is called the rolling power. When land has been inclosed for a certain number of years for the purpose of timber growing, and is then thrown open, in your opinion is the herbage in which the commoners are interested better or worse than it was before the inclosure?—I have stated before in my evidence here, that part would be better and part worse. In the case of heath, my experience is, that the planting of timber destroys the heath, and a certain amount of herbage comes upon it; but no doubt the case would be different if the Crown had the right to inclose the better parts of the forest, but it has not. By the Act of 1851 it is excluded from planting any land which has been drained; any land upon which drains have been put, the Crown, by a clause in the Act of 1851, is prevented from planting; taking that out, and taking also into consideration the clause limiting the Crown to inclosures of not less than 300 acres, I do not think that the Crown can possibly inclose all the better lands of the forest.

2107. The real point I want to get from you

William Harcourt—continued.

is this, that it is quite possible for the Crown to exercise its rights of inclosing for the purposes of maintaining the timber in the forest, and particularly the ornamental timber, without in any way excluding the enjoyment of the public?—That is quite true, but I do not think it can be profitably done if you admit the cattle of the commoners.

2108. I am assuming a fence to exclude the cattle, but a fence which at the same time should not exclude the public?—There is no more reason why anybody should not walk through these plantations than there is why he should not walk through Richmond Park or any other park.

2109. And you would have lodges and foresters, and other people, I suppose, who would look after them; and under those circumstances I presume that the inclosures would be placed under regulation, just as Richmond Park is?—There must be lodges; as an agent for a private owner, I should say that for every 1,000 or 2,000 acres there would be a lodge.

2110. And in that way the inclosures would be placed under regulation, which would be to the advantage both of the Crown and the public?—Yes.

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Mr. WILLIAM CLEMENT DRAKE ESDAILE, re-called; and further Examined.

Mr. Cowper-Temple.

2111. Have you anything more to tell us as to the character of the population in the New Forest?—I have this to add. In consequence of what passed in this room with regard to the character of the population, in writing to the clerk to the board of guardians of Ringwood on other business, I asked him the question whether he was in a position to state what the character of the population of the New Forest was with regard to the relief of the poor, and this is his answer: "Dear Sir,—It would be impossible in this letter to enter at any length into the subject of the condition of the labouring population of the forest, or to do little more than assert that my experience of this class leads me to the conclusion that for general prosperity, comfort, and independence, and for the absence of squalor, pauperism, and crime, they are perhaps unsurpassed by any body of labourers in the country. That the source of this prosperity is to be found mainly in the good use they make of their valuable forest rights, there can be no question. Whilst in a cultivated district it is usually impossible for the labourer to keep more than his one pig, and that generally for the purpose of paying his rent; in the forest you will find, on the contrary, the breeding of pigs to be a little mine of wealth in almost every household. The addition to the stock of one or more breeding sows, of a cow, by the purchase of a calf or heifer, and the increasing of the one cow to two or three, is to an industrious man, thanks to his forest rights, but a question of time. The further addition of one or more forest mares is also very common, and at present prices exceedingly remunerative to the owner. A case occurs to me, while I write, of a man who still goes out as a day labourer, who is possessed of seven or eight head of cattle, sundry pigs, and one or two ponies, the whole of which (with the help of a small piece of inclosed land) are supported out of the forest. To such a man as this, who is a fair specimen of the in-

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Mr. Cowper-Temple—continued.

dustrious forest labourer, forest rights are invaluable; and as many of them, i.e., the labourers, are the owners of their little freeholds, any action tending to deprive them of these rights must necessarily (with the most liberal compensation) be a serious blow to their present prosperity. Amongst this class, as a rule, parochial relief is very seldom required; of course there are exceptions, due to accident or improvidence, as I presume there will always be in every community. Under the New Forest Poor Act, 14,640 acres of forest lands, with a population of between 200 and 300, nearly all labourers, were in November 1868 added to the Ringwood Union. From that time up to Lady-day last the amount of out-relief distributed over this district was 9*l.* 15*s.* 9*d.*, or about 30*s.* per annum, whilst the in-door poor during the same period consisted of one lunatic found wandering in, but not belonging to, that district, and one epileptic girl who was in the house for seven days. In contrast with this, take the case of an agricultural parish in the same union, a fair specimen, not at all noted for poverty; here, during the year ending at Lady-day last, the out-relief, with a population of 301, has been 42*l.* 11*s.*, with one permanent pauper in the workhouse. With this fact, which speaks for itself, I fear I must leave the subject, having exhausted my time. The question of fuel rights I have been unable to go into; but of their value to the forest labourer there cannot be two opinions.—I am, Sir, your obedient servant, George Brown, Clerk to the Guardians of the Ringwood Union."

2112. We have been told much about the origin of common rights in the forest by Mr. Watson; do you agree with Mr. Watson in the view he put before us of the law of the subject?—I agree with what Mr. Watson laid down; but I disagree with him as to what he left out. He quoted an opinion of Lord Justice Mellish, whose opinions we commoners have very good reason to respect;

Mr. Esdaile.

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Mr. Couper-Temple—continued.

and he quoted Manwood to prove, what no one wishes to dispute, that there could be a "forestal" right of common by special grant on account of the burden of forest laws. His quotation was from the 14th chapter of Manwood, but in quoting that he stopped short at the words, "saving right of common"; and in so stopping short the words were omitted, which, as I read them, you will see point as clearly as possible to this, that common rights in a forest, as by common law, are quite as often found as common rights granted by special grant on account of the imposition of the forest law. The passage which I wish to read is this: "Saving the common of herbage"; and there Mr. Watson stops; "and other things in the same forest to them, which before were accustomed to have the same; whereby it doth appear that wheresoever the king doth afforest his own woods or lands, he doth not by such afforestation, abridge or prejudice any man to have common in the same that have used, or of right ought to have common therein, but doth still reserve the common of herbage, as it was at the common law; therefore, if the king by the afforestation of his own proper woods and lands doth not restrain the right of any man's common therein, *à multo fortiori*, when the king doth afforest the woods or lands of other men, he doth not thereby prejudice or abridge the right of any man to have common," and so on; that is all part of the same sentence.

2113. Do you find anything in the *Charta de Foresta*, quoted by Manwood, that bears on this point?—The *Charta de Foresta* is quoted on the same page, and it would have no meaning at all if there were not common law rights of common.

2114. Then, do you hold that common rights could exist before afforestation?—Of course I do, because I have just read the passage on which I found my opinion; and in the New Forest especially, I say that we have a very good ground for believing that, because we know the exact time when the forest was made; and I think it is incumbent on the Crown, or Mr. Watson, to show the exact time when our common rights were made, or else the *prima facie* argument is that they were prior to the afforestation, of which we show the origin in "Doomsday." And then there is also the fact that two-thirds of the land to which common rights attach are outside of the forest, and therefore the rights attaching to those lands could not possibly have been granted, on account of the burden of the forest.

2115. We have been told that the Commission under the Deer Removal Act adjudicated on this very point, and gave a judicial decision as to the origin of common rights in the New Forest, to the effect that at the time of their creation they were in their present shape, and of the nature mentioned in that decision; have you anything to say on that?—That I think I have answered before, that it is an error; because by Section 28 of the 17 & 18 Vict. c. 49, which constituted the Commission, they were directed to find all claims subject to forest law, that is, as they were in 1851; therefore it was not a judicial decision upon that point after inquiry, but a decision to which they were obliged to come by the Act of Parliament, and therefore it cannot be treated as a decision of the origin of common rights in any way.

2116. In Mr. Watson's evidence there was a challenge thrown out of a kind that the commoners ought specially to consider; what have

Mr. Couper-Temple—continued.

you to say to that?—As far as I can recollect, the challenge, as you term it, was this: he called upon the commoners to show how it was that they had not offered to surrender their rights if some of them had had them granted on account of the imposition of forest law. The short answer to that is this: we commoners of the New Forest say that our rights are all common law rights, and never were granted on account of the imposition of forest law; and much more than that, according to the interpretation of the Crown, the forest law is still in existence, and, therefore, they cannot call upon us to give up our common rights, even if they have been granted by special grant on account of the burden of the forest law. But beyond this, there is the judgment given last year by the Master of the Rolls, that although a common right might be granted on account of a burden, yet the removal of the burden would not do away with the grant of the common right. And therefore, even if the burden was removed, our common rights would remain, taking them at the worst, taking them as being under a special grant on account of the burden of the forest laws.

2117. Do you hold that the Act of William the Third gives a statutable right to the holders of common rights?—Yes; I forget the section, but the Act of William the Third says this, that the common rights of the commoners shall be continued to them, excepting fence month and winter heyning; therefore, excepting winter heyning and fence month, the commoners have a statutable right as well as their common law right.

2118. Are there many cases of a right of common granted by special grant in the New Forest?—I do not believe there are any; at least none have been proved.

2119. In your suggestion that the management of the forest might be transferred to another department, such as the Office of Her Majesty's Works, had you any expectation that such a transfer would lead to the application of public money in a way that would be advantageous to the commoners?—I wish to say that, in making that suggestion about the Board of Works, I guarded myself at the time by expressing a doubt of the propriety of my making, as a witness coming to give evidence before this Committee, any suggestion of that sort. It seemed to me as if I had rather to give evidence of what requires legislative adjustment than to suggest any scheme by which it should be carried out. I am sure I have not, and I do not believe that any commoners have, the slightest desire that public money should be spent for their benefit. It has been said before by Mr. Howard that the commoners are endeavouring to appropriate to themselves the increased income which has arisen from the forest of late years, in consequence of the change as to keeping deer there. It is impossible for Mr. Howard, or any one else, to point out one instance in which there has been such an attempt made. We are striving only to preserve our common law rights.

2120. Did the precedent of the transference of Epping Forest from the Commissioners of Woods to another department suggest that thought to you?—That was exactly what did suggest it. I must confess myself ignorant of the details of this Board of Works, and the Office of Woods; but inasmuch as Epping was transferred

Mr. Cooper-Temple—continued.

transferred with that very purpose, it struck me that it might be possible that such a transfer might take place in the New Forest.

2121. In expressing those opinions, were you expressing only your own individual opinion, or that of others?—My own individual opinion entirely, in consequence of being asked a question. As far as I am representing the association (for I appear here in two characters), I had no business whatever to say so. We have never discussed anything else but how to maintain our own rights equitably. Certainly we have this to say as far as the association goes, that the Office of Woods is very distasteful to us, because we have seen that from 1863 it has been their proclaimed policy to use their new powers for the purpose of extinguishing our rights. That policy was stated in 1853 in Mr. Cumberbatch's letter; and in this room it has been deliberately adopted by Mr. Howard in course of this inquiry.

2122. Have you in the commission seen traces of the carrying out of that policy announced in Mr. Cumberbatch's letter?—Always, on account of the suggested pieces of land being those that the commoners could least spare, instead of those which they could best spare.

2123. And what is your view of the way of reconciling these different clauses in the Act of Parliament, providing that the selection should be of the land that is best for growing timber, and of the land that can be most conveniently spared from the commons and highways?—Do you wish me to suggest a scheme?

2124. I want to know how the commission, when selecting land, are to act so as to reconcile both those conditions that are imposed upon them?—I think the commission's duty (and it is thus I have myself endeavoured to act), is to select a fair average soil for the growth of timber and other trees, in order that the Crown may have a fair profitable occupation of the land in which they have got a right of planting; and I think that if that had been done, and the free passage of the forest had been more respected, we should not have got into the difficulties that we have now. We have got into those difficulties now by the commission being very lax indeed, and, by their being very much pressed on the part of the Office of Woods, and also by the fact that they have no power to make the inclosures if they even selected them. I think that the selection of the inclosures has not been according to the spirit of the Act.

2125. Then, in selecting land, you do not think it is right to have reference only to the first of those conditions, that of its being fit for timber, without a fair reference to the other condition, that of its being such land as can be best spared from the commons?—Certainly not; and I would point out as an instance, which conveys my meaning, the point of a plantation which occurs close to Burley. It comes down something like a diamond, and the point touches the yellow on that map. Now I mean to say this, that if the interests of the 750 people who live in that yellow spot had been thought of, it never would have been brought down to that extreme, because it is brought within a gunshot of their houses, and we never knew it till it was done. There was no publicity; we never had a chance of knowing it.

2126. And speaking broadly, do you think that the intention of the Act was rather that average land should be taken for the purpose of

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Mr. Cooper-Temple—continued.

planting than that all the best clay land should be taken?—Certainly; I do not like to answer as to "clay," but I will say the best land, because some clay land might be very bad.

2127. Mr. Watson and Mr. Howard both expressed their surprise at the suggestion that the right of common in the forest should, on the removal of the deer, have been extended from the summer months to the whole year; what do you say to that?—I cannot understand upon what they grounded their surprise, because the suggestion of having a twelve months' pasturage instead of a six months' pasturage proceeded from the Crown in the first instance, when they brought in that Bill of 1792; and therefore, of course, it seems to be the natural arrangement that when the deer are done away with, those powers of curtailing the rights of common would be also, as is suggested in the Bill of 1792, when they said that in consequence of taking in so many acres of land they would allow the cattle to run for the 12 months, that is to say, do away with fence month and winter heyning. As it is, as I have said, winter heyning and fence month, that is to say, the forest laws as regards the pasturage, are simply this: the right and power to drive cattle off. Unless the cattle are driven off, the commoners' cattle are there by right in fence month; it is a power to drive them off; and therefore where it is only a bare power and never exercised, I cannot understand why it should be thought so unreasonable that when the deer are gone we should expect to go on as we did before, and not hear of fence month.

2128. The value of that power is the power of troubling and injuring those who turn out cattle, is it not?—Quite so; and Mr. Howard himself, in his Report of 1867, expressly says, that the power to the commoners of turning out their cattle in fence month, is no practical sacrifice of the Crown's rights. That is on the 10th page of his Report. "The provision in the Bill of 1792 for the enlargement of the rights of the commoners, so as to make them exercisable throughout the year, so long as inclosures continued, instead of during somewhat less than six months, would probably not have involved any practical sacrifice of the Crown's right." He admits it there, and yet he is surprised that we should ask that.

2129. We have heard much about the Crown rights being "paramount" over the commoners; what meaning do you attach to that term "paramount"?—"Paramount" seems to me to have been brought forward, and used as a word of very much larger signification than its meaning naturally imports. The first time I have ever heard of "paramount" has been in that often quoted opinion given in 1810. But it seems to me that the word paramount must mean this, the Crown's right to deer feed, and that is paramount to this extent; the Crown can keep an unlimited number of deer; the commoners' cattle are limited by levancy and couchancy; unlimited *versus* limited; therefore "paramount." This is the theory, but the theory does not work out into practice, because, as I said before (and although I heard Mr. Clutton deny it just now, I state it, and I am perfectly certain that it is that fact, as a man living in the country, and knowing something of these things), no quantity of deer can live through the winter in the New Forest which would in any way interfere with the feed of the commoners' cattle in the summer.

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Mr. Couper-Temple—continued.

Therefore in theory it is paramount, in practice it is not. There is no instance in any forest that I have been able to find out (I must add those words) where the forest has ever been cleared, owing to insufficiency of food for the deer; because the commoners' cattle had plenty of pasture, and the deer had plenty of pasture in the summer together.

2130. Have you anything further to say with regard to common rights?—No, I think not.

2131. The Deer Removal Act has been called a compact between the commoners and the Commissioners of Woods. Do the facts which remain on record show that any such compact was made?—It is a difficult question for me to answer, because I must speak more or less upon an opinion founded upon documents, and not of my own knowledge; but I cannot understand how these circumstances of 1851 can be possibly considered a compact, because the very word seems to me to import two parties, both of whom shall be bound; and I venture to say, that with regard to that first element of a compact there were the two parties wanting. There was an unknown body called the commoners; we learn from Lord Seymour himself that it was impossible to know who they were without investigation; and a Bill was passed seriously affecting their property without the body being defined in the least, and while it was unable, therefore, to offer any resistance, or come to any compromise. The second element of a compact seems to me to be also wanting. What was done by those who opposed the Bill was this; they endeavoured to get the best terms they could on a matter which seriously affected themselves, and the small men who lived in their neighbourhood; it was a serious blow to their property; the four or five men endeavouring to get the best possible terms, but without having held a public meeting of any sort (because it was impossible from the time), did what they could to get a serious blow warded off and made a less blow. It was an organised Government department on the one side, against a scattered and uncertain body on the other, represented by no one. They pressed, therefore, those points which seemed to them most important; the diminution of the acreage, and clauses enabling them to ascertain the common rights; and having done that, they withdrew their opposition; and that it was so appears (I do not know that it has been read yet in this inquiry) from Mr. Castleman's evidence, who was the active man in this affair; it appears in his evidence, when he was able to come and give it himself, which I regret to say he is not now, but I have had a letter from him which lies by my side this morning, saying that he entirely abides by what he said in 1868. You will find at questions 317, 318, and 319, in the evidence of 1868, what he says about what took place; he says, at Question 317, "I have only this to say, that I was one of the committee appointed to oppose the Deer Removal Act; I, being one of the few who were in opposition, and certainly neither the winter heyning nor the fence month at that time was mentioned. Mr. Gardiner, in conversation with me, when I pressed upon him that we should have the rights of the commoners ascertained, said "That is no business of ours." In the original Bill, there were no clauses for ascertaining the rights of the commoners, nor as it passed the first Committee of the House of Commons, and

Mr. Couper-Temple—continued.

when I was pressing upon him that we should have such clauses put in for ascertaining the rights of the commoners, he said "After this is passed, the Crown will have no interest in it, you must manage it amongst yourselves; and I certainly believed that everything necessary for the preservation of the deer would go with the deer, and would benefit the commoners." "(Q.) You anticipated that the winter heyning and the fence month would have been given up in the Deer Removal Act.—(A.) Yes. (Q.) Do you think that they might not be given up.—(A.) I do, decidedly. I think it would be but fair. With regard to what has been called the compromise upon the part of the commoners, I wish to say that only a very few individuals whose names I hold here, only 11 were the real opponents; there was no time for getting up any effective opposition." It is a long answer which I am quite prepared to go on reading, but it is before you, at Question 319. The result is this, that Mr. Castleman, the active man of the time, said that that which they meant was this, that with the deer, the deer laws should go. Mr. Castleman still says this, and I have had an opportunity of seeing the other gentlemen who also were active on that occasion, and I believe that Lord Malmesbury is perfectly ready to come before you if you are desirous to see him, and state positively that that is his view and always was. Mr. Compton, who is dead, told me the same.

Chairman.

2132. What is it that Lord Malmesbury is prepared to state?—That his view is this, that in making this arrangement he understood that all forest law respecting deer was to go with the deer being removed. Mr. Castleman I have quoted; Mr. Compton, who is dead, has told me the same; and therefore, if this is so, even if it were a compact, you have both the parties saying "We misunderstood each other; we were supposing to be buying one thing, and you were supposing to sell us another"; and therefore I think it is a fair case for coming to the Legislature for adjustment on equitable principles. Moreover, what has since happened with regard to the way in which the Office of Woods have treated it, shows that it is no compact. They have broken it over and over again. They have repealed Section 9 of the Deer Removal Act, and tried to change the whole condition of things by the Bill of 1861, and by the shooting clauses of 1866; and therefore, I say that neither in the way they have treated it, nor in itself, was it a compact; and that if it was a compact, the parties were of totally different opinions as to what was meant, because one says on one side that one thing was meant, and the other says on the other side that another thing was meant.

2133. Do you say that if it was a treaty, it was a treaty which has been torn up?—I mean to say that it is a treaty which has been infringed on one side.

Sir William Harcourt.

2134. What do you say are the clauses that have been infringed?—One is repealed entirely, Clause 9.

2135. But that is not a clause which the commoners have any interest in?—But the whole Bill is spoken of as a compact. But then of course I am suggesting that that is not the right view

Sir William Harcourt—continued.

view; but even if it was a compact, those who made it did not know what they were dealing about.

Mr. Cowper-Temple.

2136. There was some other change besides the repeal of Clause 9 proposed, was there not?—Yes, there was the proposal of the Bill of 1861, in which they proposed to take a fee for all cattle that were to be turned into the forest; they were not to be turned in without a fee; and fence month was also to be legislated upon, and to be made part of the provision of the Act about winter heyning, all of which would have infringed the existing Act.

2137. Have the roads in the forest that are publicly maintained been much damaged by the hauling of timber?—I may say, broadly, yes. Between me and Holmesley station the rates have risen 50 per cent. in consequence of the haulage of timber.

2138. Is the right of turbary valuable?—Very much so indeed.

2139. Does it interfere with the right of common of pasture?—As little as possible, if those who take turbary took it in the proper places, and were properly looked after as they should be, it would be taken where the turf is most valuable in itself, which is on the heaths, and where it is least valuable as pasture, and where the fibres of the heath grow again after a lapse of many years. I think I have mentioned before, that all cottages to which the right of turbary is attached command an increased rent. I myself let every cottage with a turbary right at 1*l.* more than cottages I have which had not a turbary right; but I believe the value to the man himself of the possession of the turbary right to be 2*l.* rather than 1*l.*

2140. It has been stated to us that the acreage of waste mentioned in the Act of William the Third was larger than that in 1789; is that so?—Yes, and it is a singular thing, if the honourable Members will look at it. There is a stated acreage, and I have tried my best to make it out. There is an error somewhere; I believe the way that it has occurred may be this; they have omitted to take out the freeholds of the Crown, which would have made it up something nearer than it is; and thus they have stated the “wastes” of the Crown to be so many thousand acres when really and truly they were much less.

2141. You suggest that no further inclosures should be made beyond what are now in existence. On what ground do you think that suggestion could be reconciled with the just rights of the Crown?—Upon the grounds that the acreage mentioned in the Deer Removal Act, and in William the Third's Act, is a specific number of acres, but that acreage is not the only thing that has to be considered; it is the value and quality of that acreage; and when I suggest that they have already had as much as is right (of course I speak broadly, it may possibly turn out that they have not had quite enough, or that they have got too much), that will be for the surveyors to say; and when I say that I would stop them from planting any more, I do it on this principle, that the value of those lands which they have taken in exceeds, or is equal to, the value of the whole acreage if it had been taken of average quality.

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Mr. Cowper-Temple—continued.

2142. That is to say, the land that has been taken for those plantations is not of average quality, but is of the best quality?—Yes, mainly of the best quality.

2143. What change has been made in the relative position of the Crown and commoners by the operation of the Act of 1851?—I drew attention, in the first part of my evidence, to the position of the Crown in relation to the commoners in 1851. In answer to Question 1687, I say this: “First, the Crown had the freehold of the soil and of the timber and the produce of the deer; secondly, they had the power to plant 6,000 acres without having made any compensation to the commoners for that acreage; and thirdly, they had the power, when they chose, to exercise forest laws: on the other hand, the commoners had, first, their freehold lands free from forest laws; and, secondly, they had their ancient right of common attached to those lands, subject to being curtailed by the exercise of forest law at the will of the Crown; but, in fact, the forest laws were not exercised to curtail those common rights, and under a special Act the commoners also were obliged to exclude their cattle during the winter. That was the way it stood in 1851, as far as I am able to abstract it.” I will now endeavour to show the present position of the Crown and the commoners as it appears since 1851 by the evidence before us. The Crown now claims the freehold of the soil and of the timber; it claims the power to plant 16,000 acres *toties quoties* until the whole forest is covered, taking all the best land first; the power to exercise all forest laws, although the right to keep deer has been parted with; to exercise forest law over all private property within the boundaries of the forest; to sell the wastes of the forest bit by bit free of common rights; and in case of inclosure, that they should receive four-fifths as the value of the right of planting which has been taken as the price for the right of deer feed. With regard to the commoners, those within the forest are said to hold their lands subject to forestal law; the ancient rights of common over 65,000 acres of land have been ascertained, but it is said would be fully compensated on inclosure (which is pressed by the Crown) by 15,000 acres, of which 10,000 are to be heath land, and all rights of turbary and pannage are passed over as worthless; forest laws affecting only the safety of deer are claimed to be put in force which were never heard of when the deer were there in 1851. The permission to turn out cattle at all is endeavoured to be made subject to a fee, and their legal right to be in the forest in fence month until driven off, which driving off had never been done within times of record, is proposed to be done away with by Statute, and a fee to be charged for permitting their presence in the forest during that time; and lastly, the whole policy of the Office of Woods is changed. Before 1851 the commoners met with consideration at the hands of those representing the Crown; since that period the Office have expressed their intention, and followed it up, that they mean to use their new powers of planting for the gradual extinction of the commoners' rights.

2144. If all these claims that have been made by the Commissioners of Woods were fully carried out, what would remain to the commoners?—Nothing.

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2145. Did

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2145. Did I understand you to say that the Commissioners of Woods have ever contested that there should always be left open 47,000 acres for the use of the commoners?—I should say certainly yes, on this ground, that they say that there shall be access to the open forest of 47,000 acres, but they say that that forest is to be covered with trees; they say, "You shall have 47,000 acres, but it shall be covered with trees." The difference I would suggest to you is this, that if you had cattle to keep you would rather not keep them under the trees.

2146. I had an impression that the commoners' cattle did now graze under the trees in the New Forest, and that that right was valued?—No; that is a point on which you will hear evidence from others; my own experience is that there is, speaking broadly, no pasture under the trees of the forest.

2147. Then you consider, do you, that wherever trees exist the commoners' rights are practically gone and are valueless?—The commoners' rights of pasturage are valueless wherever there are thick trees; I do not mean to say one tree in a park.

2148. Take Mark Ash Wood, or Bolder Wood; you consider, as I understand, that the commoners' right of pasture there is utterly valueless?—I should say most decidedly; I hope you have been at Mark Ash; there is a beautiful carpet of brown leaves, but nothing green except a little scrubby holly.

2149. Then I understand that your contention, on the part of the commoners, is that in their interest trees should not be allowed to grow, or be planted where they do not exist at present; is that your opinion?—No, it is not my opinion.

2150. Then will you just explain it to me. I understand you to say (and I do not wish to misunderstand you) that the existence of trees is destructive of the interests of the commoners, and that therefore if 47,000 acres are in whole or in part covered with trees that is practically an injury to the commoners which you desire to resist?—Yes, certainly; that is quite what I mean.

Mr. Cooper-Temple.

2151. Perhaps you would just explain what number of trees to an acre in a thrown-out plantation may be considered as giving herbage for cattle?—I should think a diminished value of herbage, worth calling herbage, might be got where there were 30 or 40 trees to an acre; but for the purpose of getting that it would have to be managed with that view from the very first; but where there are 80 trees to an acre or 90, the pasturage, as the honourable Member has put it to me, is really practically worthless. I could take those pink spots one by one, and go through them, and point out that it is almost impossible in some places to get through them in consequence of the brushwood.

Sir William Harcourt.

2152. I quite understand that; but I want to know clearly what you contend for; is it that the 47,000 acres should be kept bare of trees for the benefit of the commoners; is that your view?—No, that is not my view.

2153. Then is it to be covered with trees, or how much of it?—My view is simply this, which I will try to explain as fairly and as openly as I

Sir William Harcourt—continued.

can, that the commoners' rights of pasture are a thing most perfectly understood by everybody who has anything to do with cattle. I say that they ought to be maintained so that the cattle of 65,000 acres should have their fair amount of pasture. If a clump of trees is here, or a wood is there, it is part of the incidents of the soil; we cannot go into those little particulars; but what I say is this, so manage your own property of planting trees as not to hurt ours of pasturage, and when I have said that I have said all that I mean; and it is not correct that I contend that there shall not be another tree on the open land; I do not contend that.

2154. I understand you to say that the planting of trees is adverse to the interest of the commoners?—Yes, as a general rule.

2155. The interest of the commoners is (without carrying it to an extreme) to resist the increase of the growth of trees?—I should say the interest of the commoners is to prevent the loss of their pasture. We do not want to resist anything.

2156. Putting the two things together, that the growth of trees is in your view destructive of pasture, and that your interest is to maintain the right of pasture, your interest is, in that point of view, that there should be as few trees grown there as possible?—No more trees than is fair to the Crown; I do not say as few as possible.

Mr. Cooper-Temple.

2157. Is it a fact that the cattle do find pasture in what are called the old woods where nature has left considerable gaps and vacancies between the clumps of trees?—Quite so. I can show you one or two old woods; Mark Ash, for instance, which has been put to me, I venture to say supplies no food whatever; it is a very remarkable wood, with peculiar characteristics; it is so wonderfully arched over that nothing can grow under it except on the little creeks of green which run up into it. But take Burley old inclosure; there the trees, by cutting and by the hand of time, have been thinned off, and really there is some very good pasture in that, and there may be places there in which there are not above 10 trees to an acre.

2158. It would be convenient, perhaps, for you to state shortly the principal points that you have been anxious to bring before the consideration of the Committee?—I have endeavoured to bring these points before the Committee. It will be remembered that I said this, that the commoners' case for redress was founded on two propositions; first, that the value of their rights as they existed, and as there allowed by the Crown in 1849, has been greatly depreciated since the passing of the Act of 1851; and the second thing I laid down was this, that this depreciation has arisen partly from a change in the position of the Crown and commoners effected by the Deer Removal Act, which was certainly not contemplated by the commoners at the time, and probably not by the Crown, or even Parliament, and partly from the deliberate use of the newly acquired statutory powers by the Crown for the purpose of swamping the commoners. To this I may add a third proposition, that under such an administration of the Crown interest in the forest as has prevailed since 1850, the interest of the commoners must before long become worthless, and the beauty of the forest

Mr. Cooper-Temple—continued.

forest as a place of recreation for the public be utterly spoiled, a result which never could have been intended by a past or present Parliament. I have also drawn the attention of the Committee to Mr. Clutton's valuation in 1849 of the commoners' interest in the forest as amounting to half. My first point, that the commoners' rights are depreciated, will be proved before you as a fact by other witnesses, because it is the valuers who are coming before you who will prove most of it; but that it must be true will have appeared from the view I have endeavoured to give of the present position of the Crown and the commoners. I will only say that no less than 9,000 acres have been inclosed since 1850; 4,051 acres under William the Third's Act, by virtue of a commission issued and acted upon while the Deer Removal Act was passing through Parliament, and about 5,000 acres under the Deer Removal Act; that the acreage thus inclosed is, on the admissions of Mr. Howard and Mr. Cumberbatch, for the most part the best land in the forest; and that only 4,051 acres thickly planted with trees have been thrown out in lieu of these inclosures. Then my second point, that the commoners did not contemplate such a change in their position through the action of the Deer Removal Act, I submit is proved by the facts: first, that very few of them interested themselves at all in the passing of that Act, which was done whilst the Legislature knew nothing of the extent of common rights; secondly, that those who did oppose the Bill were led by evidence to expect advantages to accrue to the commoners as to their common rights which they have not obtained; thirdly, that the power of inclosure under the Acts of William the Third, and George the Third, had during 150 years been exercised so gradually, that less injury than might have been expected was done either to the common rights or to the beauty of the forest, and the commoners naturally expected that the additional power given in 1851 would be exercised in the same way. And then my last point, that the statutory powers acquired by the Crown in 1851 have been used for the purpose of swamping the commoners' rights, with the express view of waiting for the right time for ultimate inclosure, I submit is shown, first, by the endeavour to enforce "winter heyning" and "fence month" after the reasons for those restrictions had been removed; secondly, by the sudden exercise of the old power of planting to its full extent at the very moment that a new power limited in certain respects was being acquired, and that to an extent materially beyond the legal limits of acreage, as we are advised; thirdly, by the deputy surveyor's letter of 1853, and his evidence in 1854 (Questions 2032, 2047, 2081), his views not being then in any way repudiated by his superiors in administration, but on the contrary sanctioned and acted upon up to this moment (Questions 368, 830); fourthly, by the instructions given to counsel before the Commissioners of Inquiry into common rights in November 1865, and the careful opposition offered by the Crown to the establishment of common rights before that commission, of the success of which Mr. Gardiner boasted in 1868 (Question 1092); fifthly, by the proposal in 1861, to enforce a new payment for common rights, and to make a statutable provision as to fence month for the first time; sixthly, by the prevention of the usual drift of

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Mr. Cooper-Temple—continued.

cattle by the verderers in the same year; seventhly, by the attempt to make wholesale inclosures in 1866 (7650 acres almost wholly good land, being passed by the commission, when to plant that land forthwith was out of the power of the office); eighthly, by the proposal in the same year to repeal Acts in force, and lease the shooting of the forest; ninthly, by Mr. Howard's Report of 1867, in which he makes it his business to depreciate the commoners' interest in the forest, and to claim new rights for the Crown over private lands; tenthly, by the insertion of clauses in the Bill of 1871 (I think this is a material point, which I have hardly alluded much to), making it obligatory to give the fee of all inclosures ever made to the Crown, apart from the question whether their value was more or less than the value of the Crown's share; and lastly, by the undue control assumed by the Office of Woods over the action of the Commission for Inclosures. That is what I have endeavoured to prove in my long and very prolix evidence, which I feel very much indebted to the Committee for listening to with so much patience; and that is what I think gives us a right to come to you for redress, both as commoners, and also on the part of the public, who are now feeling very much interested in the future of the forest.

Chairman.

2159. I think you said just now that the commoners were represented by no one before the Committee of 1851, which considered the Deer Removal Act; that was the phrase you used, was it not?—I said so, in the strict meaning of "represented." That there was somebody trying to take care of their interests, I allow, but they had not been in communication with the commoners.

2160. Have you seen the extracts from Mr. Gardiner's bill of costs which were handed in by Mr. Watson?—I have seen the bill of costs itself. I was asked a question about it, and I have since been permitted to have a copy of it.

2161. Did Mr. Coxwell act as the agent for the petitioners against the Bill of 1851?—I know it from himself. Of course, in answering these questions, I only know what I do from documents and from communications with others.

2162. I think the Parliamentary agents were Messrs. Pritt & Company?—That I have been told also.

2163. Have you communicated with Mr. Coxwell or with the Parliamentary agents for the petitioners, or with Lord Malmesbury, to know if their recollection of what passed in 1851, agrees with the statements in Mr. Gardiner's bill of costs?—I have communicated with them all, and especially since I saw this bill of costs; of course the first time I ever saw it was the other day, and I have done my best to make inquiries as to their feelings and remembrances upon these points; and there is no difference of opinion whatever, as I think I mentioned just now. I went down on Saturday, and went through Mr. Coxwell's diary, and spoke to him on the matter. His remembrance is, that all forest laws connected with deer was part of the arrangement that was made of what was to be given up on account of the 10,000 acres; and that winter heyning and fence month never were mentioned. Lord Malmesbury I have also seen, and he tells me that he is as sure as any

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one can be that there was a direct intention of giving up the fence month and winter heyning; and that tallies exactly with Lord Seymour's speech, which I read the other day out of Hansard. I can only say that I have done my best to make myself acquainted with all the facts.

2164. And to the best of your belief Lord Malmesbury concurs in the view that you have expressed as to the arrangement made with the petitioners in 1851?—I have his express permission to say so; and that he is ready to come here if you wish to see him.

2165. Are you aware that Messrs. Pritt & Company, as agents for the petitioners, attended the Committee on the 20th, 25th, and 26th of June, and the 17th of July, to watch the proceedings on the Bill?—I do not see any entry on the 20th; they are not mentioned on the 20th; the entry on the 20th is, "Attending Mr. Dorington." Mr. Dorington was acting for the Crown.

2166. Then you do not know that Messrs. Pritt & Company, as agents for the petitioners, attended the Committee; this bill of costs before us, of course, does not give you Messrs. Pritt & Company's bill?—No, not at all. But I do not know that as a fact; I do not know from any source of information that Messrs. Pritt did attend on the 20th of June; I should think it is probable they did not, on account of the state of the circumstances, but it may be that they did. You see the Deer Removal Bill was not before Committee till the 25th of June.

2167. You have not seen Messrs. Pritt & Company's bill of costs?—No, it is not to be found; Messrs. Pritt & Company are all dispersed, and search has been made, and every step taken to get the papers.

2168. I think the firm is still in existence?—I do not know. We did that through Messrs. Dorington & Company in 1871.

2169. I would suggest to you to make inquiry of the firm, which I understand still exists, and ask them to favour you with their bill of costs?—I will take care to do so; at least, I will go to Mr. Rees, who is a well-known Parliamentary agent, and ask him to make himself acquainted with the facts.

2170. Are you aware that a print of the Bill, as amended in Committee, was sent by Mr. Gardiner to Messrs. Pritt & Company on the 29th of July 1851?—I think that is so stated here in the bill of costs. Yes, there is entry, "Altering a print of this Bill, showing amendments to be made in Lords' Committee, and writing to Messrs. Pritt & Company therewith, as desired by their note of this morning"; I see that in the bill of costs.

2171. And are you aware that after Mr. Gardiner's evidence was given on the 25th of June 1851, proposals in writing were made on behalf of the petitioners, and that one of such proposals was, that the measure should be final, and that the Crown should be left in the position of a lord of the manor?—I only know that from Mr. Watson's evidence; I have no reason to know the contrary.

2172. Was not the waiver of that condition part of the consideration which induced the Crown officers to consent to the inclosures of 14,000 acres, sanctioned by the Committee on the 26th of June, being reduced to 10,000 acres?—I should not think so from all that I have learned. A memorandum, which in the bill of

Chairman—continued.

costs is stated to have been handed by Lord Malmesbury on the 5th of July to Lord Seymour, did not, I believe, contain (we have not got the memorandum) anything but the three points which they pressed for, and which are adverted to in the entry of the 8th of July in Mr. Gardiner's bill of costs, that a local tribunal should be instituted, that the quantity inclosed should be altered, and that no inclosures should be made of less than 300 acres.

2173. You will probably by the next meeting of the Committee obtain the bill of costs from Messrs. Sherwoods, if it is in existence, and put in any papers which may enlighten the Committee on the point?—Yes. Of course, that memorandum is in the hands of the Office of Woods, because they would otherwise hardly have been justified in making any alteration; they have had a written memorandum presented by Lord Malmesbury to Lord Seymour, upon which action was taken, and they would naturally preserve that in their records as a justification. I should like to see it.

2174. Do you think it reasonable that the petitioners should get the benefit of the compromise, and at the same time should rely on evidence given before the Committee, which sanctioned the inclosure of 14,000?—I think it would be unreasonable; we do not get it, you know.

2175. Were not the same persons parties to the compromise who were parties to the proceedings before the Committee?—As far as I know, certainly they were. The persons who carried out the compromise, or the arrangement, must have been the same as appeared before the Committee.

2176. In your answer to Question 109 in 1868, you said that inasmuch as fence month and winter heyning were made by the Act of William the Third a matter of statutory regulation, it required express statutory words to take away the rights?—I said so.

2177. Were there in the Bill of 1851 as introduced, any express statutory words abolishing fence month and winter heyning, and creating new rights of common during those periods?—I will answer the first part of that question first, and the second afterwards. There were no such words, to the best of my belief, in the original Bill, nor are there in the Act; it is one of our complaints that there should not have been.

2178. And you admitted in 1868 that unless there were express words in the Act abolishing those rights, they would still remain?—It is my opinion still, and my whole contention before this Committee is, and always has been, that I believe that the strict letter of the law is what we have got to fight; we are appealing to you on grounds of equity only.

2179. I think the 7th section of the Act of 1851, expressly reserves, does it not, all rights whatsoever which had existed except the right to keep deer. It expressly reserves the right "to Her Majesty, her heirs, and successors, in like manner, and to the same extent as it was immediately before the passing of this Act; and nothing in this Act contained, or which may be done in pursuance thereof, shall be held to take away, alter, or affect any rights or privileges whatsoever of Her Majesty, her heirs or successors, in, over, or upon the said forest, other than the right of keeping deer therein"?—Yes, it does.

2180. So that there was distinct notice to all parties

Chairman—continued.

parties interested that no right whatever was curtailed or diminished, or affected by this Act, except the right of keeping deer?—I think not; I think the right of keeping deer was such right as the Crown had; they could not be parting with anything except that which they had; they had this special right of keeping deer, the forestal right. Mr. Gardiner himself explains that section (and it is his own Bill), as meaning this only, to reserve portions of the forest rights which might attach to other things than deer; and in 1868 he expressly says the same thing. He says in 1851, referring to Section 7, to which Mr. Talbot drew his attention, "There are no forest laws remaining; I leave the Crown as lord of the manor;" I say that there is not one single alteration made in that section since, which makes Mr. Gardiner's evidence then inapplicable; and he goes on in 1868 exactly to point out, in answer to a question, that there were certain, what he calls forestal, laws maintained by that section; at Question 1052, in 1868, Lord Stanley of Alderley asks this question: "Was there any intention to preserve wolves at that time?" and the answer is: "Certainly not, or wild boars; but it was intended to preserve the rights of sporting; there is an express clause giving Her Majesty the right to grant licenses under sign manual;" thus, with that before him in 1851 he virtually says, That 7th section does do away with all forest law as to deer; and then there remains this, the verderers courts which have been alluded to, with which the commoners have nothing to do.

2181. Then do I rightly understand you to contend that the 7th section of this Act of Parliament of 1851 was simply intended, and was understood, to mean a reservation only of the rights of sporting?—So says Mr. Gardiner. I say, No. I say this: I take Mr. Gardiner's evidence in 1851. You asked me if there was any notice given. The notice given was Mr. Gardiner's evidence given before the House of Commons' Committee, and to be got at by anybody. The notice so given to the commoners was that all deer laws would be done away with.

2182. The Act of the 59th of George the Third imposed penalties for turning out cattle during winter heyning; were there any words in the Bill of 1851 as introduced abolishing those penalties?—No; they exist in full force at the present moment.

2183. In your answer to Question 170, in 1868, you said that you did not think that anybody who knew the matter could look forward to anything else than to an inclosure?—Yes.

2184. Is that your opinion still?—No, I am glad to say it is not my opinion still, because my opinion then was founded (I do not suggest which I think the most right, inclosure or non-inclosure) on the idea that it would be impossible to withstand public opinion, which was then setting in for the inclosure of all the commons in England. Now we are in a different position: I think we have the public with us; and I think we shall not see the New Forest inclosed; and many other commons also I hope will be preserved to the public.

2185. Would the same answer be given with reference to your answer to Question 82 in 1868; in that answer you advocated, I think, a separation of the Crown and the commoners?—No; I have not read it lately, but I am quite sure I did

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not. I see I say this, to which I quite adhere, that "it would be better to have a separation between the rights of the Crown and the rights of the commoners, than that the present state of things should continue;" that if we are going to be swallowed up by the *toties quoties* power, which is claimed by the Crown, we had better get our quarter of an acre now, than wait till it is reduced to nothing, and I am still of the same opinion; and if you look at the end of my evidence in 1868, I say this at Question 1098: "I have been pressed, in giving evidence in this matter, as to my opinion with regard to a general inclosure, and the gentlemen who have been acting with me have informed me that they have also been pressed with regard to their opinion as to a general inclosure. Should it, unfortunately for those poorer persons, be recommended by this Committee that there should be a general inclosure, I, and other gentlemen who have been examined, feel, as larger landed proprietors, that we might be open to the remark, 'We entrusted you in confidence with the representation of our interests, and the result of that has been the recommendation of a general inclosure, which is the very thing, of all others, of which we were most afraid;' and, therefore, though speaking as one of the larger landed proprietors, a general inclosure would not injure me, I presume, if I had to sell my estate, nor the other gentlemen, who have also given evidence on the same side as myself, I want to give, as my unqualified opinion, that a general inclosure would very much prejudice those persons I am desirous to represent, and who have entrusted me, as it were, with their interests in giving evidence." In answer to the next question, I say, "Speaking as nearly as I can judge of their interests, I think I should prefer a general inclosure without allotment; that is to say, a separation of the Crown's rights from those of the commoners without carrying out an individual allotment."

2186. Then I understand you to say that if the rights claimed by the Crown under the Act of 1851 are asserted, you would prefer that there should be an inclosure?—I say that it would be better to have an inclosure if the Act of 1851 is carried out, as the Crown claims to carry it out.

2187. But as the Act of 1851 stands, what is your view?—As the Act of 1851 stands, I cannot say now, because part of it has been carried out with such great loss to the commoners that I think, if the rest of it is carried out, it would be very prejudicial to them; but then that is the reason that we are coming here; I, on the part of the association, ask you to prevent a general inclosure in order that our rights may not be extinguished. Therefore we do not desire a general inclosure by any means; we request the Legislature to look at the equity of the Act of 1851.

2188. Then you desire to diminish the rights which the Crown possess under the Act of 1851, deliberately granted to them by Parliament; or you prefer a general inclosure?—No, I do not say that; but the rights that they have got in consequence of the operation of the Act. If you will put the question again, I will endeavour to answer it straight.

2189. I ask you whether you do not desire to diminish the rights which the Crown possess under the Act of 1851; or, if you cannot do that, then you ask for an inclosure?—I certainly do

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not ask for an inclosure, I ask to diminish the rights of the Act of 1851.

2190. The rights which the Crown possess under the Act of 1851?—The legal rights which the Crown possess under the Act of 1851 we ask to be altered.

2191. And the legal rights which the Crown possess, are the rights which it is the duty of those who administer the property of the Crown to carry out, are they not?—To carry out with fairness. I cannot lay it down that it is right of individuals (and I take a Government department as the same in that respect) to carry out their strict legal rights, if those strict legal rights destroy their neighbours.

2192. We have had an illustration of what legal right is within the last few days; cases have been brought before a judge which the judge has pronounced to be a matter for consideration for the Legislature, but still a hardship; but still the judge has given expression to the law of the land. Do you say that it is the duty of an administrative department to exercise in the carrying out of an Act of Parliament a discretion which diminishes the right of the Crown, and of those whose rights they must protect?—I say yes; I say it is the duty of a Government Department to carry out an Act in the spirit of the Act, and that they are not justified in using their powers to gain any advantage which is contrary to the spirit of the Act. And I will illustrate it in this way in this case, that "where the land can be best spared by the commoners" is one of the parts of that Act; if the Crown have endeavoured to get ground which is not such as can be spared by the commoners, I do not think they are justified; but they are fully justified in carrying out to the full their powers, provided they do not press unduly upon another party.

2193. But is the spirit of the Act to be found anywhere outside the print of the Act of Parliament itself?—No, certainly not; the print of the Act of Parliament is what I refer to, where the three conditions are, fitness of soil, land that can be best spared by the commoners, and the convenience of the public.

2194. I think the words are, "as may be best suited"?—"As may be best spared." It is the 3rd section, and reads thus: they are to be selected where they are found "to be most convenient to be inclosed, and to be best adapted for the growth and produce of timber or other trees, and may be best spared from the commons and highways of the said forest."

2195. The first condition is that they are to be the "most convenient;" the second condition is that they shall "be best adapted for the growth and produce of timber or other trees;" and the third and last condition is, "and may be best spared from the commons and highways of the said forest"?—Quite so; put them together and that is the spirit of the Act. I do not understand you to say that, because the third condition stands last, it is of the least importance.

2196. In the paper which you gave in 1868 (Question 1098) you spoke of the result of the Act of 1851 as being likely to be "to make the forest one huge wood"?—Yes.

2197. Could that be done if the power of inclosure was not a rolling power exercisable *toties quoties*?—No; but that was what was claimed by the Crown, and that brought the petition, and

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caused us to go to Lord Justice Mellish and Mr. Kingdom for their opinion.

2198. And now I understand you to ask Parliament to limit the power of the Crown to inclose within the first 10,000 acres considerably?—Within the first 10,000 acres, if what the Crown has taken is found to represent more value than the average value of the whole 10,000. But that is a point that I do not press, because it may be found to be more; I only say that it should be according to value.

Sir William Harcourt.

2199. Your objection, as I understand, mainly to this rolling power is that it will have the effect of covering the whole of the forest with wood ultimately, and making it less valuable to the commoners?—If carried out *toties quoties*.

2200. But now, I understand, from what you said a short time ago, that, generally speaking, subject to some exceptions, the land covered with wood is a little or no value to the commoners?—To the pasturage of the commoners.

2201. Now, as far as the commoners are concerned, then you would have no objection in their interest to fences being put round the land now covered with wood?—I should say, myself, that it would be of very little consequence to them; I should be very sorry to see it done.

2202. That may be; but I am asking with reference to the actual interest of the commoners in the pasturage. It follows, does it not, from what you have said, that to put a fence round the land where wood at present exists would be little or no detriment to their interest?—It would be a little detriment, but not of very great consequence, except with a view to a general inclosure.

2203. You must not understand me to be asking any questions with a view to a general inclosure. I am taking now the question of the preservation of timber. For instance, take Mark Ash Wood, which you spoke of; it would be no detriment to the commoners to put a fence round Mark Ash Wood?—No detriment worth mentioning as to pasturage; but it would be a very great deal more so in its bearing on the suggestion of general inclosure, because Mark Ash is a piece of very good land.

2204. But it would be no detriment to the commoners to put fences round land where ancient wood at present exists, subject to the small exceptions which you have mentioned?—As to pasturage, I have said so. As to pannage, it would be very important indeed.

2205. But not as regards pasturage?—No, not as regards pasturage.

Lord Eslington.

2206. And is not the pannage of Mark Ash, inasmuch as it of beechwood, extremely valuable?—Yes; I would not put Mark Ash particularly in that category; it is a valuable pannage ground; the old oak trees also give pannage.

Sir William Harcourt.

2207. I understood you to say, as regards Mark Ash, that it was practically of little value?—As to pasturage; but as to pannage it is valuable.

2208. Pannage is the most valuable, is it not?—Underwood.

2209. Then, the more the forest is covered with

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with wood the greater the amount of pannage will be to the commoners?—I have not yet answered the question fully. All oak trees planted will produce more or less pannage. The beech is a more valuable pannage tree than the oak, and beech are not planted; the fir trees are of no use for pannage at all. And, therefore, all plantations do not increase the pannage.

2210. The more oak or beech that are planted in the forest the more will be the increase of this valuable right of pannage for the commoners?—Certainly.

2211. And what is really wanted is, is it not, that there should be some method of determining the relative importance to be given to those conditions in that clause that you have referred to, that is to say, the value of the planting and the convenience of the commoners?—I cannot quite follow that question.

2212. I say at present; at present you complain that there is not sufficient weight given to the interest of the commoners in the determination of the land to be inclosed?—I think that has not been done; that is partly the fault of the commission, as I have endeavoured to state.

2213. Now let me put this to you, because I should like to have your opinion upon it; supposing that some plan like this were adopted, to determine what land should or should not be taken for inclosure; that one surveyor was appointed by the Crown and another surveyor was appointed by the commoners, and in case of their not agreeing, they to appoint a third surveyor as an umpire, where there were conflicting interests, what should you say to an arrangement of that kind?—I should prefer to have a commission instructed by surveyors, rather than surveyors acting totally alone. I do not wish to show any prejudice against surveyors, but I would rather have them giving advice than settling the matter between the Crown and the commoners; I think they would be important witnesses; I wish we had taken them before the commission.

2214. The body with which you act, you say, have not judicially selected the land?—I think so.

2215. If you were sole commissioner, or if you were in a majority, the land would, in your view, be selected on better principles; but I am asking you whether that which I have suggested to you would not be one way out of it; one person appointed on behalf of the Crown and one appointed on behalf of the commoners, and in case of their difference a third party to determine between them; I ask whether that would not practically give a solution to the question?—I think it is very likely that you would get a solution in that way; it would, at all events, be a solution on some principle.

2216. Now the contention that you are making, as I understand, on behalf of the commoners and on behalf of the public, is in the direction of extinguishing, or treating as extinguished, the forestal rights of the Crown, is it not?—As connected with deer.

2217. But now that is exactly the opposite, is it not, of the contention that was made in the Epping Forest case. In the Epping Forest case it was contended, on behalf of the public, that it was a good thing that the forestal rights of the Crown should be maintained in the interests of the public?—I must speak very carefully about this, because I am not thoroughly aware of the cir-

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Sir William Harcourt—continued.

cumstances of Epping Forest; my idea of Epping Forest is that it is totally different from this case, because there the soil was not in the Crown; if the soil had been in the Crown there would have been no need of the exercise of forestal right to keep it open for the public; in this case the soil is in the Crown, and if the Crown so pleased it can keep it open to the public, and therefore the question of forestal law being good for the public in Epping does not apply to the question of forestal law being good for the public in the New Forest, so far as I can judge.

2218. It was argued in the case of Epping Forest that the forestal rights of the Crown should be exercised for the benefit of the public, and in Epping the soil does not belong to the Crown; is it not an *à fortiori* case in the New Forest if the right of the Crown there is in its own soil, and not in the soil of another?—I speak with great diffidence, because I have not studied the Epping case; it was desired to keep Epping open for the good of the public; it was desired that the lords of the manor should not take upon themselves to inclose open lands used by the commoners; in order to inclose they were obliged to buy off the forestal rights of the Crown; to them it was of very little importance what they gave, because immediately they inclosed the value of the land was so enhanced by the fact of inclosure; therefore, if you wanted to preserve Epping Forest for the public, it was perfectly necessary to have forestal law, because then the Crown could prevent the inclosure. Now inclosure can be prevented in the New Forest without forestal law, because it is the Crown's own property.

2219. Was not the great complaint which was there made this, that the Crown parted with its forestal rights, and that by parting with its forestal right to the lords of the manor it enabled them more or less to oust the right of the commoners?—Yes; but the parting with the forestal right in the New Forest would not enable inclosure, because the soil is in the Crown; and parting with the forestal right in Epping Forest left the public at the mercy of the lords of the manor.

Lord Henry Scott.

2220. The forestal right of the Crown, other than the right to deer, are distinctly saved by the Act, are they not?—Yes, that is what we say.

2221. Therefore, even if the rights connected with deer are gone, there are sufficient forestal rights remaining to produce that result?—I do not think so.

Sir William Harcourt.

2222. I understand you to contend that Clause 7 of the Act of 1851, practically speaking, is a hardship, and that the other forestal rights ought not to have been preserved?—No, I am not contending that; I am contending that the forestal rights, other than the rights connected with deer, are no hardship at all to the commoners. We do not want to take away from the Crown their forestal rights, so far as they prevent encroachments, or the taking or injuring timber.

2223. You mean to say that you would desire the whole of the forestal rights, except those connected with the deer, still to be maintained in the Crown?—Yes, we have no objection whatever to that.

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2224. Then

Mr. Eddis.

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Mr. Esdaile.

Sir William Harcourt—continued.

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2224. Then what are the forestal rights connected with deer of which you specially complain now?—Fence month and winter heyning.

2225. And apart from fence month and winter heyning, you are not here to object to the Crown maintaining all the rest of its rights?—No.

2226. Is it the fact, that in the Manor of Burley fence month was expressly excepted from the claim to rights of common?—Yes; almost all the claims that you have in your hand were expressed to be subject to the laws and assize of the forest in some claims, subject to the law of fence month in others; I do not think winter heyning is ever mentioned in them; but all the claims, or rather I will not say all, but the great majority of the claims, were made subject to the laws of the forest, or except the forbidden month, as it is called.

2227. Then that was, was it not, a recognition of the right of fence month?—Clearly; we cannot dispute that fence month is forest law with Manwood before us.

2228. You referred to the claims in 1670; and at that time there is no doubt whatever, is there, that the rights of common were limited by the fence month?—That they were limited by the power of the fence month? Not at all; ever since the forest was made, that must have been from the very force of the declaration of the forest by the Sovereign.

2229. Now, I think you stated that the limited power of the sale of waste land by the Crown in the forest was in opposition to the Act of William the Third; is that so?—Yes.

2230. But was not this power of sale conferred by the 39th and 40th of George the Third?—What I meant was this, and I believe I said it, that the Act of William the Third which forbids the sale of waste land was afterwards repealed by statutes which gave them the power to sell. I did not say any particular statute; at least, what I wished to say was this, that under William the Third's Act, the sale of the wastes was made directly illegal, but that by subsequent Acts obtained, that power was given.

2231. You are not here, I suppose, to object to that power of sale having been conferred?—No, certainly not.

2232. You are, in fact, a beneficiary under it, are not you?—No, not at all.

2233. Have not you purchased under the Crown?—I believe I have purchased a rood of ground at 40*l.* an acre. I was obliged to purchase it for the purpose of making the village look a little neater.

2234. I do not understand you to object to the powers given to the Crown under those Acts?—They are all gone; they do not sell under those Acts now.

2235. How do you mean when you say that they are all gone?—Repealed.

2236. Was there not a further power of sale given under an Act of 1854?—No.

2237. Are you sure that there was, in 1854, no power to sell to provide for defraying the expenses of ascertaining the rights of the commoners?—I beg your pardon; yes, it is a special Act giving that power to pay for the expense of the commission.

2238. Is that the commission of which you are a member?—No, a judicial commission upon the rights. It was to pay the expenses of the com-

Sir William Harcourt—continued.

mission of inquiry, and it is expressly laid down that they are under that Act to sell them free of common rights.

2239. Now, you have stated, I think, that the Crown has no right over private lands within the forest, have you not?—No, I have not stated that; I stated that they had no forestal rights there.

2240. Did you not state that the Crown's claim to the rights over private land was first made in 1867?—No.

2241. That is a mistake, is it?—I said the Crown's claim to forestal rights. There are rights, as I believe, over some portions of private property which the Crown claims, and I am not at all aware that there are any forestal rights; certainly not over the whole 26,000 acres.

2242. But have you seen these claims of 1670?—Yes.

2243. Are you not aware that in the claims of 1670, in numerous instances the rights of the Crown over private property were admitted?—There may be some instances, but I am quite certain, having carefully looked at that book, that the forestal rights of the Crown are not claimed over the great body of the private property.

2244. Let me refer you to claim 50 in the abstract of the claims; there William Stanley says, "that he is seised in his demesne as of fee, of and in 210 acres of land;" and then in the claim, he says, "saving nevertheless, and always reserved to the lord the king, his heirs and successors, the liberty of hunting, chase, and re-chase of the wild beasts of the forest aforesaid, together with the free ingress, egress, and regress of the wild beasts within all and singular the aforesaid 210 acres of land, in such and the like manner and form, and not otherwise, as in the same 210 acres of land were accustomed"?—Yes; there was a forest right claimed over that portion.

2245. I see also that in many of the other claims (I will just mention them without reading them; claims 101, 119, 130, 179, 198, 203, 221, 226, 23, 241, 262, and 292) the right of the Crown over private land is admitted?—I should like very much to know if my own property is amongst those numbers, because I should distinctly desire not to answer as to my own property.

Lord Henry Scott.

2246. Does not the Crown, in fact, pay you something?—Yes, instead of my paying the Crown; but it is a remarkable thing in connection with that book (which was published as a translation), that the Crown instead of paying me 5*s.* a year as they had always been accustomed to pay, immediately claimed 5*s.* from me; and they sent me a handsome present of that book; I happened to have the Latin claims, and I found three false translations in the one claim connected with my estate, all of which were very antagonistic to my interests; I sent that information to Mr. Kennedy, and the 5*s.* was paid without any further difficulty.

Chairman.

2247. Do you recognise the Report of 1789 as possessing considerable authority?—I do; I think it is a report of very considerable authority.

2248. Are you aware that in that report those rights, which the honourable and learned Member

Chairman—continued.

ber has been speaking of, are spoken of as in existence over the lands within the regard of the forest?—Yes; and that is just the point that is so continually lost sight of. "Within the forest" has a very different meaning from "within the regard of the forest."

2249. They are spoken of as being "within the regard of the forest"?—At what page, may I ask?

2250. At page 5?—It begins first, "in such of the freeholds within the perambulations as are subject to the regard of the forest, and which are in the nature of purlieus." Therefore it says that those which are subject to the regard of the forest are in the nature of purlieus. The great bulk of the 26,000 acres is not at all in the nature of purlieus. It simply says that there are certain freeholds which are subject to the regard of the forest which are in the nature of purlieus. There may be certain freeholds which are; my contention is, that there has never been a piece of land shown since 1851, and prior to that report of 1867, over which they claim forestal rights to extend; that was the first we ever heard of it.

2251. You go further, I suppose, and say, that such rights, if they ever existed, if exercised to the full extent, would be very prejudicial to the owners of the land?—Yes; without going into it deeply, I will only say, that you could not hold your land with anything like a power of making it revenue-producing, if forestal laws were enforced. Mr. Milne, in 1848, points that out very strongly, and he says they are all free.

Lord Eslington.

2252. I think you could not build a cottage, could you, under such circumstances?—No.

Chairman.

2253. Of course that is in the diminution of the rights and the value of the soil?—Of course; and that is what made us so very lively immediately after reading that first page of Mr. Howard's report, which was a new matter to us.

2254. Are you aware that the right of shooting over the private lands, or some of them, has been exercised by the Crown since the Deer Removal Act was passed?—I have been told so. I can, however, answer for my own property that it has not; I believe there are some lands where it is not disputed; I know, as a fact, that in others it has been claimed and disputed, and not gone on with.

2255. Then you do not deny the existence of such rights?—I must not bind other proprietors. I believe fully it is so; I believe fully that there are rights of shooting exercised over other people's land by the Crown; I should say both inside and outside the forest.

2256. You do not say that there are not other rights which are not exercised?—I never heard of any; I cannot say more than that.

2257. In speaking of Mr. Clutton's valuation of 1849, you stated that, according to your calculation, the value of the 14,000 acres of inclosures originally inserted in the Bill of 1851, added to 1-16th for manorial rights, made up Mr. Clutton's valuation?—All but; I find that 1-14th, which is the highest calculation given to the lord of the manor, does bring it up very nearly to the exact figure.

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Chairman—continued.

2258. Did you include the value of the Crown's rights to throw out the 14,000 acres, and to inclose and plant other land in succession?—I did, I took Mr. Clutton's basis. Mr. Clutton, I think, very properly said that the power of the Crown to inclose a certain acreage is equal to the fee; and that must be so whether it is a rolling power or not; because if you look at the statutes you will find that, under the statutes about planting, they have the power to hold it in severalty for ever; and therefore they have only got to exercise a choice. Therefore Mr. Clutton says, "I reckoned that the acreage over which they have such a power is equal to the fee, and upon that I proceeded."

2259. I understood you to say that the commissioners, under the Act of 1854, had no power to adjudicate on the rights of common, but only to inquire into and record claims to such rights, did you say so?—I did say so.

2260. Have you referred to the 5th Section of the Act of 1854, which is as follows: "The Commissioners shall hear and determine all claims to common and other rights in and over the said forest, made either in pursuance of the said Acts or of this Act in manner after mentioned, and subject as after mentioned, their decision in the premises shall be final, and bind all parties and rights whatsoever; and all claims not objected to shall be allowed by the said Commissioners"?—Yes, I had taken that into consideration when I made my answer. That taken with the 28th Section seems to me fully to bear out my answer. The passage to which I refer begins with these words: "But such rights shall be held and enjoyed according to the laws and assize of the said forest, and such rights of common of pasture shall be enjoyed and allowed only in respect of the cattle of the claimants," and so on, laying down that when the rights were ascertained they should be of a certain character by force of a statute, not by force of any decision of the Commissioners, who, under Section 5, are to "hear and determine all the claims to common and other rights;" not whether they were subject or not to forest law. You see Section 28, says that all claims made good before the Commissioners shall have a certain character.

2261. Does it not say that "such rights shall be held and enjoyed according to the laws and assize of the said forest"?—Yes.

2262. If the forest laws were in existence, they were held subject to the forest laws, were they not?—Yes; I say they were held subject to forest law, as they were in 1851, and that these two clauses proceed upon this principle, that the Commissioners shall not have power to determine as to one claim or another claim, whether they shall be held subject to forest law, but that they shall be taken to be so subject; and therefore it was not a decision of the Commissioners. It has been treated as a decision of the Commissioners, who have looked into the Acts that had gone before, and having had the question argued before them, have decided by their own judgment that the common rights are to be held subject to forest law. They have not decided that by their own judgment, because it would have been *ultra vires*. It is laid down in this Act that the rights shall be held subject to forest law, that is such as they were in 1851.

2263. You contend that the two Acts read together, do limit the exercise of the claims of common

Mr. Esdaile.

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common to their exercise subject to forest law?—I do say so; but I say further, as they were in 1851; because Mr. Watson said, "This section 28 of the Act of 1854, was part of the Act of 1851; I cannot understand how it was left out, but it was part of the arrangement of 1851"; and therefore, if part of the arrangement of 1851, the rights which are to be determined are to be determined as they were in 1851, and therefore there could be no legal decision of the Commissioners upon it.

2264. But you admit that all the rights of common were held then under forest law?—In 1851, certainly.

2265. And it was re-enacted in 1854?—It was enacted in 1854, having, as I say, reference to 1851.

2266. You said that the Crown's unlimited right to keep deer was practically limited by the amount of feed for them. Supposing that the right had been exercised to the extent of that limit, what amount of feed would have been left for the commoners?—I should say ample. I say so for this reason; that looking back upon the history of the forest, there is no evidence at all that the forest has ever been cleared for the purpose of giving the deer more food, on account of there being too little for both. I believe there has never been a head of deer which has injured the cattle. The head of deer has often injured themselves, but never the cattle.

2267. Then I understand you to state for the information of the Committee, that any increase in the number of deer would not diminish the feed for cattle which would be found in the forest?—I think so; that is my opinion. It is but a theory; but it is borne out by what I said just now, that there is no instance of the forest having been cleared for that reason.

2268. That is to say, the grass eaten by them would not have been eaten by the cattle?—It would not have fed down in the same way. Possibly the cattle might have been fatter; I could not go into that detail; but what I say is, that they subsisted and were kept on in a proper state of living with the deer; and there was just as much peace and amity between the cattle and the deer as there was before the year 1851 between the Office of Woods and ourselves.

2269. In other words, the particular food which the deer found was not appreciated by the forest ponies and the forest cattle?—No, I expect a deer would always choose as good grass as he could get, and the cattle would do the same; but if there was not the best grass for both they would go off to the second best each of them; and it would maintain them.

2270. I think you said that if the commission set out inclosures under the Act of 1851, and they were not approved by the Office of Woods, the commission had no power to make those inclosures?—No power.

2271. But if the commission set out the 10,000 acres, would not the Commissioners of Woods have taken those acres or leave them?—I suppose they would, but there would be a dead lock; for Mr. Howard comes in 1868 and says, "I come to Parliament to relieve me from what is going to be the case; the Commissioners are going to do this; I want the best land; they want to put me in the worst."

2272. But the Commissioner would have no power to substitute other land, would he, under this Act?—No.

Chairman—continued.

2273. Then the New Forest Commissioners have in reality a very strong power to protect themselves, have they not?—They have a power to protect themselves so far. It would be a still greater power if the old system had been adopted in the new Act, and we had been allowed to make our own inclosures; because supposing we took a piece of heath which the Commissioner of Woods thought was not good enough, we might proceed to make it; whereas now he will reject it, and there comes a dead lock and an appeal to Parliament.

2274. Then I understood you to say that the present position of the case was this, that the commission was trying to drive the Crown to take inferior land, or bad land and good land together, and the Crown was trying to get good land; that is your view of the case?—It is so, of course; the minutes show it.

2275. And failing to come to an understanding, they come to a dead lock?—We should come to a dead lock; we never have yet.

2276. Do you consider that the Commissioners are justified under the terms of their commission in trying to drive the Crown to bad land?—No, not in so many words. I have always refused to take it upon me, when it has been suggested that I ought to drive them to bad ground. I say my duty is to give them fair ground.

2277. You are bound to give the Crown the land best suited for the growth of timber, and which could be best spared from the commons and highways?—Yes; best suited for timber and other trees.

2278. You stated, did you not, that in your opinion the money obtained from the Southampton and Dorchester Railway now belongs entirely to the commoners; will you explain why you think so?—I argued that in this way, that the Commissioner of Woods says, "It ought not to be applied any longer to its original purpose of the improvement of the forest," and he says, "All mutuality has ceased between the Crown and the commoners, and the expenditure of that money was based on the mutuality; that mutuality is deer feed and cattle feed. The Crown has parted with its deer feed, and therefore that money must not be spent for the improvement of the forest." On the contrary, I say, taking your own argument, that all mutuality has ceased, because you have sold the deer feed; therefore with the selling of the deer feed goes your interest in the money which was only to be used for the improvement of that deer feed, because we bought the feed for our cattle.

2279. Have you referred to the Railway Act itself?—Yes, very often.

2280. Then you take this view by way of inference from the altered circumstances of the forest since the Deer Removal Act was passed; not by way of law?—I do not think it ever would have arisen at all if the Commissioner of Woods had not claimed the right to prevent its being spent for the good of the commoners. He claimed to prevent that from going on, and immediately that made one rather anxious to see upon what ground the claim was made; and when one looked into it, it seemed that the ground taken by the commoners' claim was a more reasonable ground than his; and in fact he has since 1868, on the recommendation of the House of Lords, been using that money for the good of the commoners.

2281. What

Chairman—continued.

2281. What acreage is there drained?—Only 500 acres, as far as I know. I believe the drainage cost 12*l*. 10*s*. an acre.

2282. Does not the Southampton and Dorchester Railway Act direct that the money shall be exclusively applied to draining the forest?—I do not think it does; it is a point that may be raised; there are the words "other improvements."

2283. I will just read the concluding paragraph of the 18th section of the Act: "And such sum of money so paid as aforesaid shall be laid out and expended with all convenient speed by the said Commissioners in draining or otherwise improving the said forest or any portion thereof, in such manner as in the judgment of the said Commissioners, the Lord Warden, and any two of the verderers for the time being of the said forest, may best conduce to the mutual benefit of Her Majesty, her heirs, and successors, and the parties entitled to rights of common over the uninclosed portions of the said forest"—I think the question is answered by what I said before. I think the words, "or otherwise improving," show that it is not confined to mere drainage.

2284. Does the Deer Removal Act direct it to be applied in any other way?—No; I believe it does not refer to the question at all.

2285. You stated that the interests of the commoners and the public were identical; that they were proceeding on the same lines. Do you refer to the general public, the public of the United Kingdom, or do you refer to the public of that particular district?—I refer to the general public of the United Kingdom.

2286. Is it not the interest of the public of the United Kingdom that trees should grow there, and should be of great use in time of necessity?—I think it is; but I think it is of greater importance that a certain open space of land should be left in England as some sort of remembrance of what England once was, and simply, I will say, from a sentimental point of view, I think that the New Forest is as valuable in that view as our national galleries.

2287. If that is your view, I want to know how the enlargement of the rights of the commoners, the rights of pasture, will benefit the public generally of the United Kingdom?—You mean their enlargement by doing away with the fence month and winter heyning?

2288. No; the enlargement of the rights of the commoners, I mean, by an alteration of the law as it exists under the Act of 1851, in favour of the commoners?—Because the operation of that Act will destroy, and has destroyed, the beauty of the forest. It has destroyed more of it than I can well say, and I believe that in doing so, it has destroyed financially the value of the forest; but if it was to go on being carried out as it is now, my belief is that the park-like character of the forest, and its position as an open forest for the recreation of the public, would be lost. I do not believe in the public enjoying getting over gates; I think when you are once within gates it can hardly be said to be within the public reach if those gates are locked. I do not at all disagree with the statement that the public may go through a wicket-gate or a stile; but to do what has been done when our magnificent woods have been cut down, and only small pieces left, and locked gates used, is a total exclusion of the public.

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Mr. John Stewart Hardy.

2289. Surely the public can get over any of those fences?—It depends very much whether you are on wheels, or on horseback, or on foot. I have got over them on horseback, but it is a pretty good jump.

Chairman.

2290. Have we not had it in evidence that the present view of the Commissioners of Woods, and the persons who advise them is, that the old forests should be permitted to renew themselves?—I have heard it said so in this room for the very first time. It is what I call a change of front. In 1854 they were to be all out smooth, and they have been. Now, there has been a good deal said about this. Mr. Clutton in 1854 said, "The whole of it should be made clear; and I believe that financially he is right. Mr. Cumberbatch said so in 1853; and I believe that financially speaking, strictly, he is right. But they have changed; and I am very glad of it. It is one of those changes which are due to public opinion.

2291. Do you admit that Mark Ash will disappear altogether unless the trees are protected?—I know that I am speaking against professional opinion. Since that professional opinion was given, I have asked a great many people about it; I asked one gentleman yesterday who has known it for 50 years, and he says that he sees no appreciable difference in it at all; there is a tree missed here and there, but the alteration is rather for beauty than otherwise. I have known it constantly myself for 25 years, and I do not see the slightest symptom of its disappearing; and I believe in 150 years' time Mark Ash will be there, if left open, a grand wood, though slightly altered in its outlines.

2292. But 150 years hence many, if not most, of those trees, must have disappeared. Will there be other trees to take their place if the younger trees are not in their youth protected from cattle?—I certainly believe so; and I could show you, if I was allowed to be your guide, in Mark Ash itself, young ash trees coming up; there is not an ash tree of any size in Mark Ash, and why it is called Mark Ash I cannot tell you, but there are young ash trees coming up and replenishing it. And a little further on, in a wood called Berry Wood, the whole wood is restoring itself, because there happen to be brambles and bushes to protect the young trees.

Lord Henry Scott.

2293. When you spoke of the trees being an injury to the commoners' cattle, I suppose you were alluding to the plantation, were you not, of past inclosures?—I allude to all trees; I allude specially to thick planted trees; it is impossible to get pasturage; if you have a natural thick growth (and I could show you one or two places where you have it) of fir, there the pasture is gone; but the remark alludes to both, but especially, on account of the acreage, to the plantations.

2294. What I understand from you is this: we have been told that about 5,000 acres of old woods now stand; you did not mean to say that you put the pasturage amongst those trees in the same category with the pasturage under the trees in a thick inclosure?—Certainly not; the old woods have not much pasturage in them; some have none; but there is in some certainly much better pasturage than can be found in the plantations, which are covers.

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2295. Your

Mr. Esdaile.

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Mr. Esdaile.

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Lord Henry Scott—continued.

2295. Your objection, as I understood, to the new trees was generally confined to the trees in the inclosures?—Yes, I may say generally to the trees in the inclosures.

2295*. I think that, as regards that question, it was a recommendation considered by the House of Lords' Committee that there should be a value put upon the pasturage of the land thrown open, and that was only lost by the Members of that Committee being equally divided?—That is so, as appears by the report. It was suggested that, as a return of pasturage was the principle on which to found the taking in more land, then it was right and proper for the commoners to have a certificate that what was flung out was fit for pasture. That was put by the Committee in the House of Lords, it appears, and they were equally divided.

2296. What you contend for, I understand, on behalf of the commoners is this, that when these inclosures are thrown open, there should be some appreciable value from the pasturage under the trees?—Yes, I think that is the principle of the Act; a return of pasturage for taking land. If they choose to cover the land with trees, they spoil the look of it; that is not the commoners' business; but if they will return us pasture instead of land, I think they will then be carrying out the spirit of the Act; if they do not, they will not.

2297. Then the point is simply this, that in taking the land for inclosure you complain that the best land has been taken, and that when the inclosures are thrown open they are of little value?—It is the fact. I do not complain of it only, but it is the fact.

Lord Eslington.

2298. You told us just now that the commission and the Commissioners of Woods have never come to a dead lock. How do you reconcile that with the allegation which has just been repeated in the question put to you, that the Commissioners of Woods have taken the best lands for the purpose of planting in the forest?—I simply say they have done so.

2299. But then, if the commission had exercised their duty on behalf of those interests that they are there to protect, in opposing any such project, they must have come to a dead lock on that question?—I think all the commissioners ought to have opposed that; it is the duty of all to do what is right. There are no particular representatives, but I cannot help saying that the commission have not done their duty, when they have selected the best land; and I say as a Commissioner that if I am called upon, I shall go on allotting (at least I shall try to do it) that which I think is within the equity of the Act; but I shall be obliged to go on allotting under the commission; if I am in the minority, they will take the best land.

Chairman.

2300. You have expressed a very strong opinion in answer to my question against the separation of interests between the Crown and the commoners. Is there anything to prevent an arrangement under which the Crown would retain a certain portion of the forest for the purpose of growing timber, including the old woods, regulated by Parliament, so as to be open to the public, and under which the commoners would retain as a common pasturage

Chairman—continued.

another portion, the remaining portion, for the exercise of their common rights?—No, I think some such plan might be carried out if there was not express severance. I think the moment that you come to express severance, and have a line drawn, inclosure would be sure to follow. And in that Mr. Clutton backs me up by his experience. I think you might carry out such a plan as this (you put it to me, and therefore I venture to suggest it, and I hope you will take it only as arising out of your question), a planting power of the Crown which might be exercised with great benefit to itself, by giving them the right to use that 20,000 acres which they have got of the best of the forest, to use it for planting, turning in and turning out as they may like when timber is fit for cutting. Take these 20,000 acres, some of which is flung out now, as the whole is thus dealt with, let them again from time to time take in some of the parts they have before planted, and use that as a plantation. I think that might be carried out; but the moment you come to a line of severance, I am perfectly certain that the forest must be inclosed. And I would say here, that there are some commoners who would desire inclosure, because they are the other side of that river; they are not a very large body, but then they might come with considerable force and say: "Now we know the exact line of severance, inclose for us, because we cannot use our common as we used to do." I think if you have a line of severance, it is full of danger; but I venture to hope that you will find some way by which there may be a proper *modus vivendi* for the Crown arrived at without carrying out direct severance.

2301. I understand you to say that there may be practically such an exercise of the respective rights of the two parties as will result in severance without a legal separation of interests?—Yes, I think so. I think that the Crown's powers might be defined as to planting, leaving them as lord of the soil.

2302. And you advocate such a separation in the common interest of the public (I prefer to speak of the public rather than of the Crown), and the commoners?—You have rather put the word "separation" into my mouth. That is the very thing that I am advocating against. What I said was this, that I think an arrangement might be made without the separation, by leaving the Crown lord of the soil, which would enable the commoners to exercise their rights over the open, and leaving also to the Crown a power of planting that number of acres which they have got already, just as they liked over and over again.

2303. So far as the commoners are concerned, you are willing that they should be excluded from any interest, or the exercise of any right, in the land which the Crown should be permitted to plant?—"Should be permitted;" no; "has been permitted," I would say.

2304. In the land which the Crown have a right to plant?—No, which they have been permitted to plant. I must, to answer your question in the affirmative, give up what I think is my principle; and if that principle is good for nothing, my evidence is certainly good for nothing. I am going upon the principle of value, not solely acreage; and if you find that the Crown have already got their value (that depends on the valuer), then I say to the Crown, "Take it for your own to manage as you like in that way."

2305. That

Sir William Harcourt.

2305. That you would say as regards all that the Crown has already occupied for purposes of planting?—That is my suggestion; that is what I am alluding to.

Chairman.

2306. From what time would you take it?—From William the Third's Act, I suppose.

Sir William Harcourt.

2307. All they have at present occupied, you would claim no common right over?—That is what I suggest.

Mr. Ernest Noel.

2308. All the green and the red?—All the green and the red. I think myself it would work in this way possibly, but this is coming out without very careful thought.

Chairman.

2309. We know that you have given much thought to the whole question?—I have done my best. You might then let the Crown have the power of taking in whenever they liked, and excluding the commoners' cattle from those pink and green spots; but that, unless they choose to exercise that power, they should be left as they are. That would be the identical arrangement which used to exist about fence month; the cattle there in fence month, unless the Crown wished to drive them out; if the Crown wished to drive them out, they had the right. Leave those pink spots in the power of the Crown; leave them open; but if they wished to inclose (they would not wish to inclose till a certain time), give them power to do it.

2310. But you must add those parts, neither green nor red, on which there are the fine old woods?—I do not add those to the Crown, for this reason; it would be so much more land of a valuable nature, which, in case of future inclosure, it would be prejudicial to us to have given to the

MR. ELIAS PITTS SQUAREY and MR. CHARLES PINK, called in; and Examined.

Chairman.

2315. (To Mr. Squarey.) You are a Valuer and Surveyor, are you not?—Yes, I am.

2316. May I ask you where you live?—I live at Downton, near Salisbury, just on the north-western edge of the New Forest.

2317. And you exercise your profession in that district?—At Salisbury, and at 22, Great George Street, Westminster.

2318. Have you lately visited the forest for the purpose of valuing a portion of it?—I have.

2319. Before doing this, did you make yourself acquainted with the evidence as to value in 1849 which Mr. Clutton gave, the relative shares?—I read it very carefully.

2320. Do you know Mr. Trimmer's map, defining the oakland of the forest?—It has been brought under my notice since my employment in this matter.

2321. Were you acquainted with it before or after the survey?—After the survey.

2322. Have you, as a surveyor, considered the question of the value of the lands of the forest?—In conjunction with Mr. Pink I have.

2323. Have you for this purpose adopted the broad division of land made by Mr. Clutton, with his descriptions of value?—Yes.

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Chairman—continued.

Crown; I would rather hand them over as a matter to be kept for the national benefit, not for the Crown in any way.

Sir William Harcourt.

2311. But you would not claim that, as being land which is peculiarly valuable, to the commoners?—Yes, in case of inclosure, and to some great extent for the pannage.

2312. Keep out of mind, for the moment, the question of its bearing on a future inclosure; supposing there be no inclosure, the ancient woods are not of a high value to the commoners, are they?—Supposing that there is no suggestion of inclosure, the ancient woods are not of a high value to the pasturage of the commoners, as compared with the open land of the same quality as the old woods stand upon.

Lord Henry Scott.

2313. I did not understand you to mean that the Crown should have the power to inclose the whole of the pink and green spots entirely?—I went as far as this in what I meant to say, that they should have a rolling power over the green and pink, and that whatever was fixed to be the rolling power, when they opened a part of their green they might take in part of their pink.

2314. Before you go away, I think there is something you wish to say, which I think you have forgotten; I believe you wish to withdraw an expression that you used when you were speaking of Mr. Clutton's evidence?—I said the other day (and I take the opportunity of apologising to the Committee for being warmer than a witness before a Parliamentary Committee ought to be) that I treated Mr. Clutton's imputations upon the population of the forest with something like scorn. I should be very glad to be allowed to scratch out those words, and to put in, "with considerable warmth," or something that would not be so offensive.

Chairman—continued.

2324. Have you made a map to illustrate your survey?—Yes, it is behind us; one of the Ordnance plans, with the colouring indicating our view as to which is the oak land of the forest.

2325. Have you since found that there is a general resemblance between your map and Mr. Trimmer's map?—There is a general resemblance.

2326. You have, I understand, had a map before you showing the inclosures, and do they, with slight exceptions, fall upon the oak land?—Yes they do, as will be seen in this plan (*pointing to it*).

2327. Is it not, in your judgment, in accordance with the directions of the Act of Parliament, that the land best suited for the growth of timber should be planted for that purpose?—Doubtless it is in accordance with the directions of the Act of 1851, that the oak land should be selected for planting.

2328. Then those who have carried out that Act, have simply done their duty, in your view?—In that particular direction they have done their duty.

2329. Would you propose that wet lands should

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Mr. Esdaile.

15 June
1875.

*Mr.
Squarey
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Mr. Pink.*

Mr.
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Mr. Pink.
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Chairman—continued.

be planted, unless the water is drained off from it first of all?—It obviously would be a desirable preparation for the planting of extremely wet land, that open drains should be made by which the water should be drained off.

2330. You are acquainted with the course which has been pursued in the New Forest in opening ditches and drains through the new plantations?—Certainly.

2331. Has that course been a course which was properly pursued, in your judgment?—I think that the general scheme is a wise one and a prudent one.

2332. Is the cost of management of woodlands greater or less, if those lands are subject to common rights?—The case of management of woodlands would be greater if the surrounding lands are subject to common rights, incident obviously to the necessity of the greater strength of the fences that surround the plantations.

2333. If timber and trees are growing on common land, are they liable to injury from cattle?—If I am to understand by "common land" land that is not fenced against cattle, obviously they are liable in degree to injury.

2334. Would an old forest renew itself?—I believe that if an old forest is left entirely to itself, if there be no fern cut and the brambles are left intact, there is a natural reproductive power in nature that supplies the place of the trees as they fall.

2335. Notwithstanding the presence of New Forest colts and cattle?—Notwithstanding the presence of New Forest colts and cattle. They obviously decimate, and more than decimate, perhaps, the crop which nature sends up; but still there is a sufficiency remaining to reproduce a stock of timber in the natural open forest.

2336. What is your opinion as to the expediency of a separation of rights as between the Crown and the commoners in the New Forest?—I have a decided view that a separation is undesirable in every direction; what I mean is, that if by a separation is meant severance, it is undesirable in every direction.

2337. I do not quite understand your meaning in saying that a separation is undesirable in every direction. Do you mean that you would not separate them by Act of Parliament?—I would not separate them by Act of Parliament.

2338. But you would separate them in practice?—I would separate them in practice by an arrangement very analogous to that which Mr. Esdaile has shadowed forth in his later evidence to-day.

2339. I understand you to say that you object to an Act of Parliament?—I object certainly to an Act of Parliament separating the interest of the Crown from the interest of the commoners.

2340. But in practice you wish to separate the care of the woods and the right of the commoners to access to the woods from the rights of the commoners to access to the open portion of the forest; is that so?—I would venture to amplify my reply in this direction, that I think it would perfectly consist with the interests of the commoners that an area to be settled of those lands, which are now coloured in that map pink and green, should be agreed upon as the lands upon which (putting aside the natural forest lands) the Crown should exercise its rights of growing timber; that on certain of those areas the Crown might at its

Chairman—continued.

discretion exercise the right of inclosing any area that they may please; and that during such inclosure the commoners should have no possible right to interfere with, or to enter upon, those lands; that there would be no wrong done to the Crown but a benefit to the commoners by the exercise of their rights of common over the other portions of the land, which the Crown would have an absolute control over for the growth of timber.

2341. Then you suggest that reasonable persons should carry out the Act of 1851?—I think that there would be no difficulty whatever in reasonable arrangements being arrived at by which the spirit of the Act of 1851 might be most perfectly and advantageously carried out for both parties interested.

2342. That is to say, that a given quantity of land referred to in the Act should be inclosed for the purpose of the growth of timber, and the remaining portion of the land, or some portion of the land, should be set apart for the exercise of common rights?—Precisely so. I would beg to qualify that remark by saying that I do not express an opinion as to the precise area of land that should be conceded to the Crown, or that should be conceded to the commoners, under the Act of 1851.

2343. You would leave it to reasonable persons, whose duty it would be to interpret the Act of 1851?—Undoubtedly.

Mr. Cowper-Temple.

2344. In your answer you spoke just now upon the assumption that land for oak trees must necessarily be selected for plantation. Are you aware that by the Deer Removal Act other trees were mentioned as well as timber trees?—I am aware of that fact.

2345. And therefore it follows that under the existing law the persons who act on behalf of the Crown are not bound only to get the best land that will grow oak, but that they might get any other land?—Certainly.

2346. Do you consider that the Crown in their plantations have already got the best land in the forest?—I have undoubtedly arrived at that conclusion, that they have quite the best land; and if this map is observed concurrently with that (*pointing to two maps*) on which Mr. Pink has coloured green, indicating generally the areas which Mr. Trimmer has suggested as oak-growing land; the sites of the oak-growing land very generally concur with the areas which are now planted with oak and with fir, and which have been selected by the Crown.

2247. Then I would just ask you upon that, whether you think that any hardship would be inflicted upon the national property vested in the Crown if those 20,000 acres which are already planted were restricted for their future use, and they were not allowed to plant any other land than that which has already been inclosed?—Whether upon the basis of the value suggested by Mr. Clutton in his examination in 1849, or upon any other basis that may be suggested, I am quite clear that the Crown has a larger share in value if such a course as that be adopted.

2348. Have you prepared a map and a report?—I have, in connection with Mr. Pink.

2349. Would you read the report, and explain the map?—The report is as follows: "Gentlemen,—Having visited and surveyed during the past

Mr. Couper-Temple—continued.

past six weeks the New Forest, particularly applying our attention to the lands now inclosed, to the inclosures thrown open, and to the remaining open lawns, heath, and other lands fitted for pasturage, we beg to report as follows: We endorse the fitness of the broad divisions of the various characters of soil, and the annual value thereof, which was suggested by Mr. Clutton in his evidence in 1849; it being understood that there are modifications of such values. The following schedule of value of the lands operated upon by the Crown under the powers of the various Acts of Parliament, has been arrived at by us. Total area under past exercise of power by the Crown under William the Third Act: Inclosure made since 1850, and now within fences, 4,227 a. 0 r. 34 p.; inclosures made prior to 1850, and now within fences, 1,780 a. 3 r. 21 p.; total under William the Third Act, 6,008 a. 0 r. 15 p. Inclosures under the Deer Removal Act, 1851, and now within fences, 5,037 acres; total area at present inclosed within fences, 11,045 a. 0 r. 15 p.; inclosures thrown open (under Return, House of Lords, 1866, and House of Commons, 1867), and, correcting Return of 1867, by the addition of 852 acres, consisting of Wilverley, Rhinefield, Sandys, and Aldridge Hill, planted twice, 8,387 acres; making a total area at present dealt with by the Crown of 19,432 acres and 15 poles. Our estimated value is as follows: Inclosures under William the Third Act, 1,780 a. 3 r. 21 p. at 10 s. an acre, amount to 890 l.; inclosures since 1849, 4,227 acres and 34 poles, amount to 1,553 l. 15 s.; inclosures under Deer Removal Act, 1851, 5,037 acres, amount to 1,766 l.; inclosures thrown open, 8,387 acres at 10 s. an acre, amount to 4,193 l. 10 s.; land submitted or provisionally approved for inclosure, 8,010 acres, amount to 1,869 l. 4 s.; total 27,442 a. 0 r. 15 p., amounting to 10,272 l. 9 s. £. 10,272 annual value capitalised at 25 years' purchase on Mr. Clutton's basis of value, 256,811 5 s."

Lord Eslington.

2350. Is not 25 years' purchase a very low estimate to take at the present day?—We think it an extremely low estimate to take, but we have prepared this for the purposes of comparison with Mr. Clutton's figures. Our Report proceeds: "A consideration of these schedules discloses that the Crown selected in its earlier inclosures moderate areas of the best land; thus the average area of 31 inclosures made prior to 1850, under the Act of William the Third, equals 57 a. 1 r. 27 p., whilst under the powers of William the Third Act since 1850, the average is 384 a. 1 r. 3 p., and the 10 inclosures made under the Deer Removal Act in 1851, 504 acres each, the largest since 1851 being 853, and the smallest 159 acres, and in some cases forming one large block of 3,000 acres in extent. The operation of the continuing power on the part of the Crown to keep inclosed the respective areas of 6,000 acres, under the Act of William the Third, and 10,000 acres under the Deer Removal Act 1851, deserves the most careful consideration. The experience of the early inclosures under William the Third Act afforded by North and South Bentley, Puckpitts, &c., and by the more recent plantations of Holmsley, Wooton, Aldridge Hill, Wiverley, Roe, Anderwood, Goodshill, Amberwood, &c., lately thrown open, justify a conclusion as to the pasturage producing conditions of such inclosures 0,190.

Lord Eslington—continued.

for the cattle of the commoners. An examination of the woods referred to leads us to believe that whilst the oak timber in the inclosures of William the Third Act, and the oak or other timber under the Act of 1851 is maintained in its present dense condition (without expressing an opinion on the policy of such condition for timber purposes), the feed for the commoners' cattle is reduced to a minimum value; indeed to a far lower point of sustaining cattle than is to be found on the thinnest soiled or most hardly pared plain of the open heath. The continuing application of this power by the Crown, which may be assumed to be 32,000 acres (equal to twice planting), may be expected in the lapse of years to result in the gravest consequences to the commoners. The selection of the best areas of land by the Crown for planting, which so far as such interests are alone to be considered has occurred, and may be expected to continue, obviously limits not only the quantity but the quality of the food of the commoners' cattle, and such diminishing resources are by no means compensated by the feed of the inclosures currently thrown open. We are of opinion that the large area of inclosures of recent years has considerably affected the feeding value of the runs. The driftways which are open are not sufficient, and long distances must be traversed by the cattle in passing from one lawn to another, or from the ordinary feeding grounds. We inspected the drainage at Allum Green and other places, and whilst we are unwilling to say that it is useless, we are of opinion that a few properly-directed open drains would have secured a greater permanent benefit than has been arrived at under the system of pipe drainage adopted. One of the most marked features of the New Forest is what are called the lawns or open feeding places, whereon a fairly natural sweet herbage grows, which has been improved by the continuous feeding of the cattle. Usually water is found in the neighbourhood, and the cattle are in the habit at certain periods of the day to resort thither for water, and then to spread over the lands adjoining. A considerable number of these lawns have been inclosed, and the proposed inclosures of Eyeworth Pinnicks, Anners Wood, and others, embrace a large area of these feeding grounds. It may be interesting to measure the proportionate area of commons available for the area of private property out of which the right of commonage arises. This area is stated to be 65,000 acres, and taking the area of the New Forest to be 63,000 acres, from which is to be deducted 11,000 acres actually occupied by plantation within fences, the proportion of grounds open to cattle, is three quarters of an acre, and nine poles for each acre of land from which the rights arise, and this too inclusive of heath land or inclosures thrown open. In some of the lands approved for inclosure, or submitted for approval, exist some of the finest natural woodlands of the whole forest. It is to be lamented that these inclosures, if carried through, may involve the destruction of much beautiful timber. We have given considerable thought, and attention to the apportionment of value of the 307,650 l. referred to by Mr. Clutton, as the value of the whole forest after deducting the rights of the Crown in respect of its demesne lands, and 6,000 acres of plantation. Mr. Clutton, in his evidence of 1849, expressed a distinct opinion

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Lord *Eslington*—continued.

opinion that these rights were equal, and suggested 153,825 *l.* as the value of the rights to each party. Without assuming the experience which Mr. Clutton undoubtedly possesses in the apportionment of interests of this kind, we submit the following estimates of the respective data upon which the Crown could found such a claim." Mr. Pink and myself differ somewhat in the estimate of value attaching to these claims, and Mr. Pink has prepared a separate schedule of value; it is only in one particular that we differ, and I now beg to submit mine. "Value of Crown rights; first, as lord of the of the soil, 1-14th of 55,377 acres (including the right of sporting), being the highest estimate for such allotments, at 6 *l.* 15 *s.* per acre" (that is the average value which Mr. Clutton's calculations amounted to), "26,800 *l.*; secondly, the right of keeping deer under forest laws, say 3,000 deer at 15 *s.* per head, 2,250 *l.* at 25 years' purchase, 56,250 *l.*"

Mr. *Cowper-Temple*.

2351. Will you explain that figure; why do you put the deer at 15 *s.* a head if they are not profitable?—They are not profitable, no doubt; but there is the right to keep them, which the Crown may fairly urge against the commoners.

Sir *William Harcourt*.

2352. That is what is ordinarily taken as the agistment?—Yes. If I am asked the reasons why I arrive at 15 *s.*, I say that we have been in the habit, on an estate in Northamptonshire, in which an extensive herd of deer are kept, of allowing the tenant, over whose land these deer run, a sum of 10 *s.* per head per annum in respect of each deer kept there; and wishing to put liberal figures in this case, we put 15 *s.* per head as against the 10 *s.* of our experience.

Lord *Eslington*.

2353. Then the 15 *s.* represents the actual value of the feed of the deer apart from the value of the beasts?—I do not think that it does represent the value of the feed of the deer. I think that it represents the right to keep the deer, rather than the value of the feed. Then my report proceeds, "Thirdly, right to grow timber at say 1 *l.* per acre, on whole area, 55,000 *l.*," which makes a total estimate of 138,050 *l.* as against Mr. Clutton's estimate of 153,825 *l.* Perhaps Mr. Pink had better now explain his view of the case. (Mr. *Pink*.) I only differ in the last particular from Mr. Squarey with respect to the right of growing timber which I value at 34,375 *l.*, instead of 55,000 *l.*, thus making my estimate of the value of the Crown rights in the total 119,425 *l.*

Chairman.

2353*. (To Mr. *Squarey*.) I understand this to be your estimate of the value of the unexercised right of the Crown to grow timber?—Exercised and unexercised rights; because we give over the whole area of 55,000 acres.

Mr. *Cowper-Temple*.

2354. Will you go on with your report?—We have submitted schedules, showing the "proportion of areas and values of the three classes of land (by Mr. Clutton's classification) on Messrs. Pink & Squarey's valuation." These figures are rather intricate, but they are still very interesting and instructive I think as regard the

Mr. *Cowper-Temple*—continued.

value. "First, land now under inclosures within fences, under Act of William the Third, the total area is 4,227 acres, our estimate of the value is 1,553 *l.*"

Sir *William Harcourt*.

2354*. This is old plantation of the time of William the Third, as I understand?—It is not old plantation, it is under the Act of William the Third.

2355. Do you mean this to be the annual value of the land with the timber or without the timber?—Without the timber.

Lord *Eslington*.

2355*. You are taking these values at the three different values of Mr. Clutton, 10 *s.*, 5 *s.*, and 1 *s.* 6 *d.*?—Yes, "The lands at 10 *s.* comprise 48 per cent. of area, and they give a per-centage of value of 65·7 per cent. The lands at 5 *s.* per acre form 50 per cent. of the area, and they give a per-centage of value 34 per cent.; and the lands at 1 *s.* 6 *d.* comprise per-centage of area 1·9, and per-centage of value ·3. Secondly, land now under inclosures within fences under Deer Removal Act, 1857. Total area, 5,037 acres; total value, 1,765 *l.*; lands at 10 *s.* per acre, per-centage of area, 51·69; per-centage of value 73·7; lands at 5 *s.* per acre, per-centage of area, 31·81, per-centage of value, 22·8; lands at 1 *s.* 6 *d.* per acre, per-centage of area, 16·50, per-centage of value, 3·5. Thirdly, lands submitted or provisionally approved for inclosure. Total area, 8,010 acres; annual value, 1,869 *l.*; lands at 10 *s.* per acre, per-centage of area, 18·1; per-centage of value, 38·9; lands at 5 *s.* per acre, per-centage of area 46·5, per-centage of value 49·4; lands at 1 *s.* 6 *d.* per acre, per-centage of area 35·4, per-centage of value 11·7. Summary showing the proportion of value (by Mr. Clutton's classification) on total areas dealt with under the three preceding schedules. Total area 27,442 acres, annual value 10,272 *l.*; lands at 10 *s.* per acre, per-centage of area 59·25, per-centage of value 79·14; lands at 5 *s.* per acre, per-centage of area 27·12, per-centage of value 18·10; lands at 1 *s.* 6 *d.* per acre, per-centage of area 13·63, per-centage of value 2·76."

Mr. *Cowper-Temple*.

2356. (To Mr. *Pink*.) Do you agree with that report, subject to your explanations?—I entirely concur.

2357. (To Mr. *Squarey*.) Then, may I ask you this: assuming that Mr. Clutton was correct in estimating the value of the rights of the Crown and the commoners in the forest as equal divisions, do the figures which you have been giving to us show that the Crown has already attained half the value of the forest?—I think, if our figures are of any worth, our estimate of value shows that the Crown have considerably in excess of their half, in proportion as the figures are 153,000 odd as against 256,000 odd. That is, assuming, of course, that the Crown exercise their rights over the lands approved and provisionally approved, embracing an area of 8,010 acres.

2358. And will you state the general conclusions that we are to draw from the figures that you have stated in the report?—One general conclusion would be this, that the rights of the commoners have been infringed upon very considerably

Mr. Cooper-Temple—continued.

siderably by the exercise of the rights of the Crown, by the plantations that are marked green on the map.

Sir William Harcourt.

2359. Those are the existing inclosures?—Those are the existing inclosures; further, assuming that there should be an apportionment for any purpose of the two rights of the Crown and the commoners, Mr. Pink and myself venture to submit that the rights of the Crown, as represented by the green and the pink colourings on that map, very largely exceed, on the part of the Crown, the rights of the commoners in the proportions which I have indicated.

Mr. Cooper-Temple.

2360. Mr. Clutton stated that he came to that estimate, the proportion of one-half to each of the parties, upon a consideration of what was due to the rights of the lord of the manor, and what was due to the right of keeping deer; would you tell us what, according to the custom of your profession, could fairly be given in compensation of the rights of the lord of the manor in such a case as the New Forest?—The rights of the lord of the manor in such a case as the New Forest appear to me to divide themselves into two parts; the rights of a lord of the manor in respect of those rights are usually met under an inclosure by an allotment of one-sixteenth to one-fourteenth depending upon the circumstances of the case; in this apportionment of values, which we have ventured to submit to you, one-fourteenth has been taken as representing that right which is the maximum allotment which I have known in my experience. With regard to the second portion of your question, we have ventured to estimate the other rights of the Crown in a fashion which seems to us to give, and which, we venture to think, does give to the Crown a maximum value for the rights which it claims. I am not insensible to the fact that these proportions are less than have been given in the case of Windsor Forest and Wychwood, and other forests, for instance, Whittlebury; but it seems to me that the cases are not quite analogous, inasmuch as in the case of Windsor and Whittlebury and Wychwood Forests, all the land there, so far as I know those forests, and I know them, more or less, intimately, was land capable of producing timber, and, therefore, the rights to grow timber on those lands would be enormously larger in value than it can possibly be on these lands, coloured with a pale neutral tint, of the New Forest, over which area certainly nothing but Scotch fir would grow, and that probably not very perfectly.

2361. Would four-fifths, then, in your judgment, be a fair proportion to allot to the Crown for the rights to keep deer apart from the right of soil and timber?—We think that four-fifths would be greatly in excess of the value of the rights of the Crown in that direction.

2362. Taking the cattle, which can be kept in winter on 65,000 acres, would 15,000 acres of common (10,000 acres of which were heath) be a reasonable allotment?—It would be practically unreasonable; the cattle of the commoners would simply cease to be sent; it would be useless to them.

Q.100.

Mr. Cooper-Temple—continued.

2363. Could you state the approximate amount of good land which at present is not inclosed or covered with plantations thrown open (in those planted under William the Third's Act), or lands provisionally approved for inclosure?—That is rather a general question, and, moreover, that good land is so scattered in its character, and lies in such irregular areas, that any answer to that question must necessarily be only of the most approximate character. Mr. Pink and I have considered this matter, and we think that it is not more probably than from 2,000 to 3,000 acres. I should mention to the Committee that Mr. Pink and myself have not made an united survey of the New Forest, but Mr. Pink's attention has been confined to the part looking generally from Lyndhurst-road Station across to Pickets; whereas my attention has been confined to the north-western portion.

2364. Have you and Mr. Pink made an estimate of the amount of ground occupied by ancient ornamental timber?—We have made no special estimate of the actual area occupied by that character of timber, but it resolves itself rather into a reduction from the area which Mr. Clutton estimated to be covered by it, and we think that area may be now taken at about 5,000 acres.

2365. Do you agree in Mr. Clutton's estimate that the open heath-lands that are estimated by him at 1 s. 6 d. an acre amount to about 30,000 acres?—The original computation would be about 30,000 acres.

2366. Could you state approximately how much of this land is at present open and uninclosed?—Mr. Pink and myself have estimated roughly that it is about 25,500 to 26,500 acres; it is impossible to speak very accurately upon it, but that is our idea of it.

2367. Does this land appear to you to be capable of being planted with profit?—I think that if we may deal with the question practically rather than theoretically, it obviously cannot be planted profitably, or at least the poorer portions of it cannot be planted so profitably, inasmuch as there are large areas of these lands belonging to private proprietors, and precisely of a similar character, which have not been planted; and, obviously, if a profit could be looked for from such an application of that land by planting, the private proprietors might be expected so to apply their land, if they thought there was any reasonable profit to be obtained from planting it with Scotch firs, for which alone it is fitted.

2368. Supposing that the ancient ornamental woods growing on the waste were to be preserved from inclosure, do you think it would be best, for the financial interest of the Crown, to cut trees, and re-plant on those portions of the forest which you have pointed out as having been already inclosed; I mean, to restrict its operation of cutting and re-planting to the existing inclosures, which are marked green and red?—Most certainly, most distinctly.

2369. But it would not be so profitable for them to go into the inferior lands, as it would be to remain in the lands which they have already got possession of?—Obviously the fact answers the question. The Crown have, as I think, most judiciously for their own interests, exercised the selection of the lands which they have covered with plantations.

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2370. (To

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Mr.
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Mr. Gosper-Temple—continued.

2370. (To Mr. Pink.) Will you explain the map that you have produced?—The green tint represents the oak bearing land throughout the whole forest; it represents the best land.

2371. And the white tint represents what?—The white tint represents the heath land. It may be said to be a surface geological map.

2372. Will you proceed with the other lines of demarcation to explain what they are?—They are exactly similar to the map behind me. The red shows lands thrown out; the green, the present inclosures, and the blue lines, the proposed inclosures under the Deer Removal Act of 1851.

2373. What is the yellow land?—The yellow land represents the old inclosed lands belonging to private individuals.

Sir William Harcourt.

2374. Let me call your attention to the fact that the blue lines seem to me in many places to inclose principally heath land. Take the blue inclosure at the top of the map; four-fifths of that is heath lands; there is very little green in it at all?—That is so in that particular inclosure.

2375. Just look at the next one; it touches upon the yellow outside margin; almost the whole of that is heath land, is not that so?—That is so.

Mr. Gosper-Temple.

2376. (To Mr. Squarey.) Does it not appear that among the proposed inclosures there is a good deal of white land as well as of green land?—Undoubtedly. The explanation of it is this, that as the Crown have exercised their rights, and taken in the best lands; so in their later extremities are they driven to take in lands of an inferior quality; they could get no other good land; and therefore they were driven to take in these large blocks, a larger proportion of heath lands than they did at the outset. If the schedules which I read just now are studied, they will show at once that the per-centages of 1 s. 6 d. land increase in proportion to the later dates of the inclosures, or the proposed inclosures. The Crown took the best land first, and exercising their powers they are driven afterwards to take a larger proportion of inferior land.

2377. (To Mr. Pink.) Have you any remark to make upon the map or the report?—No.

Lord Estington.

2378. (To Mr. Squarey.) When you speak of the Crown having taken the best land, I presume you exclude the lawns, which I presume they are restrained from taking by the limitation in the Act of 1851, namely, that they must take such land as can be best spared from the commons and highways?—But they have taken large quantities of lawns.

Sir William Harcourt.

2379. As to the lands coloured blue upon that map; that is to say, proposed or provisionally approved inclosures now in suspense, it would not be accurate to say, I suppose, that they were better than what you may call the average of the lands left?—I think that they are better than the average of the lands left.

2380. Not a great deal?—Not a great deal; but these schedules of per-centages, to which I have already referred, disclose the proportions in which they are better.

2381. Looking at that map of yours, they may

Sir William Harcourt—continued.

be a little better; but on the whole they include a good deal of bad land as well as a good deal of good land; do they not?—Yes, undoubtedly.

2382. It cannot be said that they have taken the land so as to take nothing but good land?—Certainly, for the sake of economising cost of fencing, they are bound to take a proportion of bad land in common with the good.

2383. I should like to have your opinion upon this hypothesis; supposing the Crown were to take charge altogether (I am not proposing a severance, you know) of all the land which now may properly be called woodland, both the modern plantations and the ancient wood lands, and were to have power to put a fence round it, so as to exclude cattle, where they thought fit, and to admit cattle when they thought they could do no injury, and were to manage that land to the best advantage for the purpose of the cultivation of timber, and then were to leave all the residue of the lands open to the commoners without planting it any more, do you think that would be a good arrangement for both parties?—I think it would be an excellent arrangement for both parties.

2384. That is to say, that the commoners should not claim the rights of common upon the existing wood lands whether ancient or modern; and on the other hand, that the Crown should not claim to extend their powers of making plantations over lands which are not now planted?—I think it would be an excellent arrangement, subject to this very moderate limitation, that the areas of the lands actually inclosed, and which should be given over for the exercise of the Crown's rights, should not exceed what should be found upon inquiry to be a legitimate, and fair and reasonable proportion of the value of the entire forest.

2385. I am talking of it quite apart from value; you know, under the Act of 1851 there is no doubt that the Crown has a legal right to take some 5,000 acres more than it at present has taken, and there is equally no doubt, I suppose, that over a great portion of the existing woodland, which is not now surrounded by fences, the commoners have a right of turning out their cattle; I take for granted that the power under the Act of 1851 to inclose land not now in wood would diminish the rights of the commoners; I take also for granted that the right of the commoners to turn their cattle into the wood is more or less prejudicial to the rights of the Crown; I want to know whether you think it would be a good bargain for both parties that the Crown should give up the right to take land which is not now planted, and leave it as it is to the commoners, that they should give up, in point of fact, the right to appropriate 5,000 acres more; the commoners, on the other hand, to allow the Crown to deal with the land now planted in the way they thought best?—I think it would be a perfectly satisfactory and equitable arrangement.

2386. That need not be on the part of the Crown any detriment to the public, as distinguished from the commoners, for they might protect the ancient woods from the cattle, and yet they might freely admit people to go there and enjoy it then?—It would be no detriment to the public whatever, and I think it would conduce to the improvement of and maintenance of the ancient woods as woods.

2387. Supposing

Sir William Harcourt—continued.

2387. Supposing you put a fence as such there is round Richmond Park, and that you admitted the public freely to enjoy it, do you think that that would be to the advantage, from a picturesque point of view, of the ancient woods; that is to say, that the ancient trees would be better taken care of, and that a succession of new timber would be provided, and that, as far as the public are concerned, the forest would be better arranged?—I think it would be an excellent solution of the difficulty.

2388. If you once put a fence round the woodlands, you could make such regulations against depredation and injury as might be well suited both to the Crown in respect of its timber, and to the public in respect of its enjoyment?—I think so.

2389. The commoners would lose not a great deal, I suppose, in respect of pasture, and they would be more than indemnified by a relinquishment of the right of the Crown to extend over the ground at present unplanted?—The loss to the commoners obviously would be limited under such a condition as that to the area which Mr. Pink and myself have roughly approximated to, in naming 5,000 acres as the area over which the commoners' cattle are now roaming.

2390. Then what they would lose would be the right of roaming over about 5,000 acres of land covered with wood?—More or less covered with wood.

2391. And instead of that, if what I am suggesting were carried out, they would retain 5,000 acres which is not covered with wood?—Yes.

2392. That would be, as far as they were concerned, a beneficial arrangement, would it not?—I think it would be a fair and excellent arrangement.

2393. The land not covered with wood is far more valuable as regards common rights, as regards pasturage, is it not, than the land covered with wood?—Yes, than where it is covered with woods that are artificially grown.

2394. Even the natural woods according to Mr. Esdaile, for instance, Mark Ash Wood, is not valuable for the purpose of pasture?—Mark Ash Wood is not valuable, simply because it happens to be for the most part a beech producing wood; but there are, for instance, Eyeworth and Pinnicks Wood, where the oak is growing, where there is pasturage under the natural woodland which is, to a certain point, I think of more value for feeding purposes than part of the open heath land.

2395. But taking it broadly, I suppose you do not think it would be a bad bargain for the commoners if the additional plantation of 5,000 acres were abandoned, in consideration of the Crown having a right to deal with the 5,000 acres now planted, of ancient woods, and so forth, in the beneficial way for the purposes of timber?—The only material injury that I see to accrue to the commoners by the application of your suggestion seems to me to be this, that the commoner would lose the pannage of those areas of wood, which is undoubtedly very valuable.

2396. Now I should like to know, first of all, how long the pigs are turned in for the purposes of pannage?—I think it is about six weeks; I am unfortunately without forest rights myself.

2397. The injury to plantations by six weeks' pannage, of course, is very much less than that 0.100.

Sir William Harcourt—continued.

of a 12 months' grazing of cattle and horses?—I think certainly very much less; and the fact is, that the operation of getting their food by the pigs, actually does bury a certain portion of beech masts and acorns, which produce the crop.

2398. It might be possible to arrange for the exercise of the rights of pannage over the whole or a portion of these woods, and yet to protect them in a great degree from injury by cattle or horses?—Yes.

2399. Supposing it were considered essential to retain the right of pannage, they might let pigs into the wood and not let cattle and horses in?—It is a mere question of detail.

2400. I take it your view would be, that if the Crown could take care of the woods, and if the commoners could be secured in a right of pasture equal to that which they enjoy, that would be the best arrangement for both parties?—Certainly, and I think such an arrangement may be arrived at really without any damage to the Crown whatever; in fact, with regard to the woodlands, such woods, for instance, as Amber Wood and Anderwood, and others, I think, an increased order to thin those woods would bring about an increment of pasturage underneath them which would quite satisfy the commoners, and might be achieved at no cost or injury to the interests of the Crown.

2401. Do you generally think that as regards the forest it is very desirable that there should be for all parties some system established by which there should be more regulation and control than there is at present?—I think it would be eminently desirable.

2402. It has been found so at Wimbledon Common and other places; it has been found for the advantage both of the lord of the manor and the commoners to come to some understanding by which the whole of an open district of that kind should be under some regulations?—I think so certainly; it is quite desirable.

2403. It would be for the benefit of the commoners that there should be such a regulating power to prevent persons, who might injure their interests, from doing so?—I think that the interests of the commoners are considerably poached upon at the present time; it is difficult to know whose cattle are feeding, and in such a large area it is extremely difficult to see that other persons, who have no right to exercise commoners' rights, do not exercise them.

2404. I have been putting this to you under the supposition that there is to be no further planting where plantation does not exist. Now, I will put the other case to you; supposing that the Act of 1861 is to be carried out, and that 5,000 acres more are to be inclosed, do you think it would be a good method of solution, if the Crown appointed one surveyor and the commoners another, and they had an umpire, if they could not agree as to where the land should be taken?—I am a surveyor, but I concur with Mr. Esdaile's suggestion, that it would be better that the surveyors should report to a commission, whose decision should be final, upon the lands to be actually appropriated.

2405. But that, I suppose, has more or less happened already, that the commission has received reports from surveyors; but what is really wanting is somebody who shall decide between conflicting

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conflicting interests. The commission, I take it, have hitherto acted upon the advice of surveyors, and if you get nothing more than advice, without judicial authority, that will not help you much? —I do not think that they have acted upon such advice; I am speaking without actual knowledge of the matter, but I do not think that the opinion of any expert has been taken as to the value of the land.

2406. But now, supposing that your advice were asked, and assuming that 5,000 more acres were to be taken, under the Act of 1851, out of the forest by the Crown, under the clause and its terms, with which you are familiar, do you say that the lands marked blue there upon your map, or upon that other map, had been unfairly taken? —I should say distinctly that they have been most unfairly taken; not necessarily according

Sir *William Harcourt*—continued.

to the actual value of the lands themselves, but from their disposition in localities.

2407. Just explain that; do you mean that you would have taken smaller pieces in more distant spots; or how would you have dealt with them?—There are two conflicting interests to be consulted in dealing with the question of the selection of the lands for the purposes of planting. Obviously the question of land fitted for the growth of oak and fir trees should be the guiding principle in the selection of those areas; but, secondly, the interests of the commoners are largely to be considered, because the selection of those blue spots (if I may venture, for instance, to point to the one immediately adjoining Roe Wood) involves considerable disabilities to the commoners' cattle—(*The Witness explained the map to Sir William Harcourt*).

Friday, 18th June 1875.

MEMBERS PRESENT :

Mr. Alexander Brown.
Lord Eslington.
Sir William Harcourt.
Mr. John Stewart Hardy.
Colonel Kingscote.
Mr. Ernest Noel.

Earl Percy.
Mr. Rodwell.
Mr. Ryder.
Lord Henry Scott.
Mr. William Henry Smith.
Mr. Cowper-Temple.

WILLIAM HENRY SMITH, ESQ., IN THE CHAIR.

Mr. ELIAS PITTS SQUAREY and Mr. CHARLES PINK, re-called ; and further Examined.

Sir William Harcourt.

2408. (To Mr. Squarey.) I WANT you just to give me what the amount of land that you consider now under wood altogether is; what do you call the amount of the planted land at present, including both the ancient timber and the modern plantations; and then I should like to have the figures of those separately; first of all, perhaps, it would be convenient if you would give me the amount of modern plantations from which the cattle of the commoners are now excluded?—The amount of modern plantations from which the cattle are now excluded under William the Third's Act is 4,227 acres, and under the Deer Removal Act, 5,037 acres. Both these schedules are made subsequent to 1849.

2409. That will represent the whole from which the cattle are now excluded, will it?—No; in addition to that there are the inclosures made prior to 1849, under William the Third's Act, amounting to 1,780 acres.

2410. That will be the total?—Yes.

2411. That is to say, there are 11,000 acres, in round numbers, from which the cattle are now excluded?—Yes.

2412. Now, in addition to that, can you tell me, in round numbers, what is the amount of wood land to which the cattle are now admitted, including the ancient woods?—They would be comprised in two sums. The inclosures thrown open are 8,387 acres.

2413. You mean by that, inclosures which have been comparatively recently planted?—Up to a certain point, comparatively recently planted, planted in 1810; some of them dating back to William the Third's time.

2414. That is 8,387 acres of land which had been at some time inclosed and is now thrown open?—Yes.

2415. What other land is there of the ancient woods?—Mr. Pink and I have estimated roughly that the ancient woodlands may be assumed to be about 5,000 acres, but it is not to be taken at all as an accurate statement.

2416. Now of that 11,000 acres that is now inclosed, and not accessible to the cattle, I presume that there is a considerable quantity which either immediately or presently, may be thrown

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Sir William Harcourt—continued.

open without injury to the trees?—There is no large area that can be thrown open for very many years; I should say it will be from 30 to 40 years, probably, before any large area of that can be thrown open.

2417. But could you give me any idea of the quantity that might be thrown open, say within the next 10 years?—I do not think there is any that could be thrown open in the next 10 years.

2418. Is there none at all of that 11,000 acres that is fit to be thrown open now?—Certainly not.

2419. I understood that there was a portion of that which was now inclosed which was capable of being soon thrown open?—So far as my portion of the survey is concerned (and it is only upon that portion that I can speak; Mr. Pink will answer the question as regards his southern portion of the forest), I certainly do not know of any of the inclosures coloured green upon that map, that could be thrown open, assuming the experience of the past, within the next 25 to 30 years.

2420. (To Mr. Pink.) What do you say on that matter?—There is very little in the division which I valued which could be thrown out soon, inasmuch as a great portion of it has been planted since 1849.

2421. What period should you give to a plantation of that character?—About 40 years.

2422. After 40 years the trees would take care of themselves, would they?—Yes.

2423. Then inclosures made in 1849 would be capable of being opened in about 1890?—I do not mean that they were planted in 1849, but since that time.

2424. (To Mr. Squarey.) I understand you to say, that in about 30 years you think that most of those 11,000 acres would be capable of being thrown open?—Judging from the past experience it would be thrown open in about 30 years, I should think; but it is obvious that there are some plantations which grow much more readily than others, and therefore it is impossible to speak with any great confidence as to the precise period when the oak trees would be in a position to take care of themselves.

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2425. As

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2425. As far as the interests of the commoners are concerned, I suppose there would be no objection to an arrangement by which the principle should be adopted that when any fresh land is inclosed for the purposes of planting, a valuation should be made of the land taken in, and its value to the commoners, and the land thrown open and its value to the commoners?—Its annual value, I apprehend you mean.

2426. I mean its value in respect of herbage and pannage to the commoners; and then, if care was taken that the value to the commoners of the land thrown open was equal to the value of that taken away, that would be a fair arrangement with regard to the commoners, would it not?—It would be fair, with certain qualifications. I suggested, in my evidence on Tuesday, that I thought it would be consistent with the interests of the commoners that a certificate of value should be given before lands were thrown out and other lands of equal area taken in; assuming always that the Crown had its full area of land under inclosure; and it occurs to me that in the suggestion which you now make, the commoners would suffer no wrong by the application of such a principle, except that they would, in certain cases, suffer wrong; assuming the Crown to exercise the power that I have suggested of limiting the number of trees to about 30 or 40 per acre, and the value of the pasturage under those trees being taken at about 5s. an acre, which, I believe, it would then be, the value of such an area at 5s. per acre, would represent a very large area of the lower values of land which would be taken; I am assuming the land to be worth, as the great majority of it would be worth only 1s. 6d. per acre on Mr. Clutton's estimate.

2427. I was putting rather this to you; the commoners now take a tract of land, and it will carry so many beasts; if you were to throw out of inclosure a quantity of land which will bear an equal number of beasts, there would be no unfairness to the commoners in that arrangement, would there; I rather take that than in the money value; what I am suggesting to you is this; we will say there is a hundred acres of open land, and it is proposed to inclose that for purposes of planting; then the Crown says: "We are going to inclose that, but we will throw open 200 or 300 acres of planted land that will bear as much cattle as the 100 acres which we propose to take in"; that would be no unfairness to the commoners, would it?—That would be no unfairness to the commoners, assuming that the values were in the direction which you indicate; but if they were in the other direction it might operate unfairly, in this way, that assuming the value of the pasturage of the lands thrown out to be 5s. per acre, and taking the datum of 100 acres, that would be 25l.; if land at 1s. 6d. per acre were taken in to represent that value of 25l. on the uninclosed portions of the forest, I can conceive that great inconvenience and great injury in the practical feeding of the commons might arise from the disposition to which I referred in my evidence on Tuesday of the areas which might be so taken in.

2428. I do not want to take it on its money value at all; I want it to be ascertained how much stock a particular tract will carry, and then we will suppose that is to be inclosed; I assume that to be unplanted land; therefore the rights

Sir William Harcourt—continued.

of the commoners are diminished by that amount of herbage and pannage, if there be any pannage; then, on the other hand, an equivalent is given them by throwing open a quantity of inclosed land, that is to be estimated not by acreage, but by the value of the power of feeding which is upon it; that would be no unfairness to the commoners, would it?—That would be no unfairness to the commoners so far as feed is concerned, certainly.

2429. The commoners have no other claim, have they, except that of feed; I am putting out of consideration any question of ultimate severance; putting that out of consideration, it would be a fair arrangement, would it not, if there were a valuation of the feeding power of the land inclosed, and an equivalent given in the land thrown open?—The commoners in that case except severance, would suffer no wrong.

2430. In that way, a power might still be reserved to the Crown of extending the planting power over the forest?—Yes.

2431. Precautions being always taken that the commoners should be secured in an equal amount of herbage and pannage?—Yes. I would venture to supplement my answer by stating that I think there might be considerable difficulty, and that a great number of doubts would arise, in estimating the proportions of value between, for instance, the feed of the lands thrown open, and the lands to be inclosed.

2432. Surely that is a matter capable of being estimated by competent surveyors, is it not?—Yes.

2433. They could estimate how many acres of inclosed woodland would yield an equal value of pasturage to a certain amount of land now uninclosed?—Yes, it would be a question of opinion, perhaps more than one would desire to have in such cases, I think.

2434. But it would be quite possible to settle that by a proper arbitration, would it not?—Yes.

2435. That is eminently a question that two surveyors and an umpire could settle?—They could settle it, undoubtedly.

2436. Then in that way ultimately the 11,000 acres now inclosed might be thrown open, and the Crown still be empowered to take in an amount of land now uninclosed, which should be regarded as equivalent to the pasturage and pannage of that which they threw open?—Yes.

2437. And in that way the timber reserve of the nation in the forest would be increased?—It would be largely increased.

2438. And the rights of the commoners would be preserved, and yet the planting of the forest might be extended?—It might be extended so far as the commoners' rights only are concerned.

2439. What other rights do you allude to?—I had in my mind the rights of the public.

2440. The public, I suppose, are interested in two ways; first of all in the beauty of the forest, and secondly in the store of the timber, are they not?—Yes. I do not know that I have any right to speak, or that I am qualified to speak with reference to the beauty of the forest; but I doubt very much whether the beauty of the forest would be increased by the movement of plantations.

2441. As I gather from you there are at the present moment 19,000 acres of land inclosed; there is first the 11,000, and then there is the 8,000?—Yes, 19,000 acres.

2442. Ultimately,

Sir William Harcourt—continued.

2442. Ultimately, of course, when that is thrown open to the commoners, it would yield a very considerable amount of herbage and pannage?—Of that 19,000 acres, 8,380 acres are thrown open at the present time.

2443. Then there will be 11,000 acres, which will ultimately be capable of being placed at the disposal of the commoners?—Yes.

2444. And that will be of more or less value in respect to herbage and pannage?—Yes.

2445. A very considerable value in respect of pannage, I suppose?—Where the woods are so densely canopied, as they are in the inclosures which have been thrown open of late, the growth of the acorns is not so large as it is where the trees stand thinner, and consequently the pannage does not increase in proportion.

2446. Still, ultimately, without attempting to put an exact value upon it, that 11,000 acres will represent, when it is thrown open, a considerable value to the commoners?—A value dependent entirely upon the greater or less thinness of the trees standing on it.

2447. Every year as they grow older they will be more thinned, I presume?—That is scarcely so. I refer to the plantations that were made in William the Third's reign, such as North and South Bentley; with regard to those plantations, although they were made 160 or 170 years since, and although they are reported to have been thinned, there is not at the present time any herbage of any value whatever for cattle feeding underneath them.

2448. Those would be among the 8,000 acres which are thrown open?—Those would be amongst the 8,000 which are thrown open.

2449. How do you account for that?—Simply from the dense canopy of foliage overhead.

2450. Do you mean that the trees have not yet reached an age at which they are worth cutting?—They are quite worth cutting; there is timber of enormous value upon those areas.

2451. Why are they not cut, then?—I give no opinion on that point.

2452. I gather from you, that in your opinion they ought to be cut?—They are of very great value.

2453. Now, as to these 5,000 acres of ancient woodland, is the herbage under that of considerable value?—The 5,000 acres of natural woodland have a particular character of their own, and they are evidently the natural growth of oak and beech timber, quite different from the character of the timber which is grown in the artificial plantations. They are very much more beautiful, and they evidently have grown in their irregular fashion where an occasional oak or beech has been spared by the commoners' cattle; they grow in groups, and between those groups is probably some of the very best pasturage in the whole forest; and, if I may venture to refer to an answer which I gave you on Tuesday, I would say that I think distinctly that the beauty of the forest depends immensely upon retaining that character for these natural woodlands, and that if artificial fences are put round them to prevent the feeding in these lawns of the cattle and the ponies which now keep these lawns open and keep the browsing line in its present form, then, instead of having the forest in its present natural and beautiful form, we should simply in a short time have a dense growth of underwood of young oak trees growing up, forming simply nothing more

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or less than woodlands of the present character of the artificial inclosures of the forest, instead of having them distributed in groups, and with these beautiful lawns and open glades intervening, as we have now, which, as I believe, are preserved entirely by the cattle.

2454. How do you propose that, in these ancient woodlands, provision should be made for the restoration of the trees that perish in the course of time?—I am quite satisfied that, if the fern is not allowed to be cut, nor the brambles or the thickets interfered with, nature will produce an ample crop of timber to replace the trees as they are felled.

2455. Is it doing so at the present time?—Most certainly.

2456. Because we have received evidence to the reverse of that; that is to say, that no young trees are coming up there, or certainly not a sufficient number of them to replace the ancient woods?—Where fern has been cut, and where the brambles are removed, undoubtedly no young oak trees or beech trees can come up; but if those natural safeguards to young timber are allowed to remain the trees will come up in ample quantity.

2457. I understand perfectly that the trees will come up to the height of the fern and the bramble, but you will hardly tell me that a tree four or five feet high, which would be above the fern and the bramble, would not be damaged in the winter by ponies?—Some few of them might be, but there would be a remnant, and an ample remnant, which would grow up to keep those parts of the forest in the same condition in which they now are. I would venture to refer to Mr. Clutton's experience on the same point. In his evidence of 1849 he distinctly refers to the restorative power of Nature of these natural woodlands, and if I may read his answer to the Committee, I think it would be well for them to have it before them. Mr. Pusey asks Mr. Clutton, at Question 1512, "How do the young trees escape the rights of the commoners?" and his answer is, "Brush and undergrowth protect them."

2458. But I am considering what happens long after they have got above the brush and the undergrowth; I have never seen in a private park young trees left exposed to horses and cattle without any protection?—I could take you to many places where that does occur, where there are sheep and cattle feeding in a park in which there is as fine growing young oak timber as ever you saw.

2459. And are there horses there?—I do not think that there are any horses in that particular spot; but I should certainly not exclude horses; the consideration of horses would not affect my views on the matter with regard to the natural woodlands of the New Forest.

2460. You think that horses would not damage the young oak trees of five or six feet high?—I think they would eat the hollies before they ate the oak.

Mr. Rodwell.

2461. Is that assuming that they are protected by brambles and brakes?—Assuming that they are protected by brambles and brakes, and thickets.

Sir William Harcourt.

2462. I gather your opinion to be that the woods

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woods are restoring themselves at present quite sufficiently?—They are not at present, because by some persons or other (I do not know whether it is by the commoners, or by whom it is), the fern and the brambles are taken away; and the moment that occurs, of course, the young oaks are cut off with them, and there is no reproduction.

Mr. Ryder.

2463. With regard to North and South Bentley, of which you were speaking just now, are those oaks picturesque at all, and is that the reason for their not being cut?—They are grand oaks and picturesque; but it is a different kind of picturesqueness from the natural woodlands, the oak trees growing up 40 and 50 feet without a single break in them.

2464. As to the 11,000 acres of inclosures existing at the present moment, can you say what proportion of that is in Scotch fir, and what in oak?—It is quite impossible to say that. The Scotch fir are planted as nurses for the oak. There are certain portions of each plantation or of most of the plantations, I will not say of each plantation, where very wisely a discretion is exhibited as to the planting of the oaks between the Scotch firs at all. There are some portions of Island Thorns, for instance, where oak has not been planted.

2465. What is the amount of that?—It is impossible to calculate, but it is a very small portion. As a rule oak is planted certainly between the Scotch fir trees, but there are certain woods where that has not been done; whether with the intention to plant thereafter I cannot say.

2466. As a general rule, in the 11,000 acres are the Scotch firs planted so close to the oak as to spoil the pannage?—There is no pannage whatever in those young plantations. If the experience of the past is to be taken as a guide for the future, the Scotch fir trees will be taken out entirely from amongst these young oak trees, and the oaks will be allowed to grow up by themselves.

2467. Therefore in future there will be pannage when these inclosures are thrown open?—There will be pannage when these inclosures are thrown open, with the limitation that dense as the oak trees are, in those inclosures which have been thrown open the pannage is not of very large value.

2468. Supposing there were some such appropriation of the forest as this, that the 11,000 acres now inclosed and the 8,387 acres which have been thrown back, and the 5,000 acres of ancient woods were appropriated to the Crown free from common rights, and the rest of the forest were left to the commoners free from Crown rights, which would leave 38,570 acres to the commoners, would that leave a sufficient area to maintain the small commoners in their present prosperity?—Most certainly not.

2469. For what reason?—Because I am quite satisfied that the area which the Crown would have under such an allocation of rights as that would give the Crown a very much larger proportion of value, and the commoners a very much less proportion of value than they have exercised, and should exercise even under the present enactments relating to the New Forest.

2470. In fact, all the good land of the forest would go to the Crown under such an arrangement, you think?—Yes, with trifling exceptions.

Mr. John Stuart Hardy.

2471. Do you think that on the open heath of the forest it would pay, and be worth the while of the Crown to plant Scotch fir?—There are certain portions of it on which Scotch fir would grow very fairly; but, speaking roughly, I should think there are 10,000 acres of plain lands which would not grow Scotch fir profitably.

2472. Which would grow nothing, do you mean?—Nothing, or merely the bare heather for cattle.

Mr. Rodwell.

2473. You said just now to Mr. Ryder that if the land were appropriated as he suggested, that would leave a very inadequate amount to the commoners; but with the exception of the 5,000 acres of ancient woodland, the commoners practically derive no benefit at all, as I understand, from the 11,000 acres, and, as you say, a very small benefit from the 8,000 acres?—A very small benefit from the 8,000 acres; but I believe that the feeding value of that 8,000 acres may be expected, in the course of long years, to improve somewhat, although in a very moderate degree, even if the trees are kept as dense as now.

Sir William Harcourt.

2474. Practically, in that appropriation which has been suggested, all that commoners would lose would be the benefit of the 5,000 acres, would it not?—The benefit of the 5,000 acres, and such feed as there may be under the plantations thrown open.

2475. I am taking the present state of things; at present they enjoy no practical benefit from the whole of this woodland, except what they get from the 5,000 acres of ancient wood?—Yes.

2476. You do not agree, then, with Mr. Esdaile, who told us that the pasturage under wood was really of very little value at all?—I quite agree that the pasturage under the inclosures which have been thrown open is of extremely little present value, but that one may expect that it will gradually improve; still it is a question of only very small degree; but the abstraction of the natural woodlands from the commoners would, I conceive, be a very grave deprivation of their rights.

Mr. Rodwell.

2477. A suggestion was made to you, that when inclosed lands were thrown open, and fresh common was inclosed, an arrangement might be made by way of compensating the commoners, and some questions were put as to the mode of doing so; you say that there would be no difficulty by an umpire and referees?—There would be no difficulty, I think, but I do not think that it would be a proceeding that would be satisfactory.

2478. That is not the point of my question; I want to follow it up in this way; can you give me any opinion on this; taking 500 acres of common at present unenclosed, and 500 acres of land which has been planted upon, and after having been planted is thrown open to the commoners, what are the proportionate values of those two plots of 500 acres?—Your question involves this, that if I am asked for my opinion on that, I must depart from the formula under which our valuation has been made.

2479. I will put it in this way: supposing there are 500 acres over which the commoners now enjoy their rights, of open lands, and the Crown

Mr. Rodwell—continued.

Crown say, "We will inclose that," would 500 acres of land which had been planted with trees, and which was then thrown open, compensate the commoners for those 500 acres?—Most distinctly not.

2480. Now then, supposing this theory was to be carried out from year to year, in a course of years the whole of the forest would be much deteriorated for the purposes of the commoners, would it not?—Obviously it would.

2481. Therefore the result would be to deprive the commoners of their rights, because you get to a period at which no compensation could be given to them?—Obviously you reduce the rights of the commoners in respect of feed to a minimum.

2482. Then a period would arrive, if my friend's suggestion was followed, at which they could not get any compensation?—Yes.

2483. Now can you give me any approximate idea of what is the comparative worth of 1,000 acres uninclosed that has not been planted, compared with 1,000 acres that has been planted and then thrown open?—Yes; but to do that, I must depart from Mr. Clutton's formula.

2484. Take your own formula, then?—I should say that the area of the 1,000 acres of open uninclosed lands, subject to no disability whatever, would probably, under the ordinary conditions of annual tenancy, be worth from 2*s.* to 2*s.* 6*d.* an acre; the average of the open heath land.

2485. Now will you take the other?—The value of the feed in the plantations which have been thrown open I do not think is worth more than 1*s.* or 1*s.* 3*d.* an acre.

2486. Then the one is worth nearly twice the other?—Yes.

2487. Now, you say that there is a good deal of timber that has not been cut down, and, I think you mentioned Bentley. Now has that timber come to its full value?—I should think commercially it has come to its full value.

2488. It never will grow into more money, you think?—I should think it never will probably be worth more money than at the present time.

2489. There is a great deal of beech in this forest, is there not?—In some parts of the forest.

2490. Where beeches abound I presume there is no herbage worth anything?—Where the beeches are very dense there is no herbage at all.

Colonel Kingscote.

2491. Do I understand you to say that land that has been inclosed, and then thrown open, will never be of the same value for pasturage as land that has never been inclosed?—If the proper conditions are observed, it will not only be of equal value, but of greater value than the natural open lands; I mean if a sufficient number of trees are removed from it so as to allow the grass to grow; seeing that these old inclosures are, all of them, of land of a better natural quality than the present uninclosed wastes, the herbage that may be expected to grow under the existence of a limited number of trees would be greatly improved.

2492. Giving that opinion, do you still adhere to the answer you gave to Mr. Rodwell, as to the value of the land that has been inclosed, and the value of the land that has not been inclosed. As I understood you, you gave the one as very nearly double the value of the other?—I gave 0.100.

Colonel Kingscote—continued.

that under the existing circumstances; that is, whilst the present dense canopy of foliage exists in the inclosures which have been thrown open it is quite impossible that any herbage can grow under them; nothing but brambles and hollies come up; but if the number of trees were limited from 35 to 40 trees per acre, then the herbage would grow up at once, and the value of that herbage would be increased very largely, and far beyond the natural value of the open heath lands.

Lord Eslington.

2493. You said just now, in answer to Mr. Rodwell, that the pasturage under the old beech wood is comparatively valueless. May not the same remark apply to old fir plantations; is not the pasturage under old fir pretty nearly valueless?—There is no pasturage at all under either.

2494. One word in regard to your own survey of the forest. What is the test that you apply in taking what I may call rather a bird's eye view of a great tract of ground of that sort, as to the productive power of the soil for the growth of any particular class of trees?—We are guided (I venture to say "we," for I believe Mr. Pink has been educated in the same school) by the character of the natural production of the soil as we find it. For instance, in riding over the forest you will find certain portions exposed occasionally by the action of water, where you see it is nothing but a thin white gravel, mixed with sand and portions of clay, at different points. Those lands are really for the most part of the barrenest character and quite unproductive. Where we find gorse growing naturally, there we know that the lands would grow a fair character of timber, and even herbage, if properly cleared.

2495. If you find it naturally growing thorn luxuriantly, or even bramble very luxuriantly, you would consider that a fair test showing that the soil was of a better quality?—It is one of the tests which the observation of surveyors leads them to adopt to guide them in their inferences of value.

2496. But in the case of land growing nothing but heather, and that comparatively thin, you would at once stamp that as the poorest character of soil?—Undoubtedly; but there are differences of degree even there.

2497. Now, supposing that those very extensive ranges of bog, which, as you know, go for miles in different parts of the forest, could be made dry, I suppose there is a certain amount of alluvial soil in those bottoms which would grow timber provided it was dry?—I have no doubt it would grow, not only timber, but very fair pasturage, if a good deep arterial drain were run up in the valleys so as to take the water off instead of allowing it to gradually choke up and produce the boggy character of the soil.

2498. And do not you think it would be very desirable to carry off that very large amount of surface water that there is?—I think it would be an improvement to the forest itself.

2499. And of great value to the commoners?—Certainly.

2500. We have heard a good deal about the Crown having the right of fencing the old woods. Now I want to know from your knowledge of the forest, supposing the old woods were fenced (we will leave the question of expense at present out of view), would not that in the course of a very few years lead to this, that a dense and luxuriant

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luxuriant undergrowth would spring up, which would very materially deprive the old woods of their beautiful character?—I said in my answer to Sir William Harcourt that I thought it would entirely alter the character of the natural woodlands of the forest, and moreover would be, as I conceive, also a grave deprivation to the commoners, because the action of the cattle in maintaining the woodland in its present beautiful condition is also of great value to the commoners, affording a large amount of feed in these open glades and lawns.

2501. And there are many portions, and the most picturesque portions of the forest, which even now are composed here and there of dense thickets, are they not?—Yes.

2502. Which dense thickets, if those portions of the forest were inclosed, would inevitably extend and become a pathless wilderness, would they not?—I do not think it would be possible to penetrate them. I would refer to one of the most beautiful parts of the forest, Eyeworth; 20 years inclosure would render that a dense wilderness, through which neither man nor beast could penetrate.

2503. Consequently, the commoners would lose whatever pasturage they have now, and the public would be absolutely unable to penetrate these portions of the forest if they were enclosed?—Yes, unless paths are cut for them.

2504. Which would require a considerable annual expenditure to keep them open, would they not?—Yes.

2505. Then, in regard to the oak plantations which have been thrown out, having got beyond the reach of injury from cattle, would not the same thing occur; are they not now for the most part densely covered with brambles too?—Brambles and holly seem to be the natural production under these plantations which have been thrown open, to the complete exclusion of any herbage except the occasional spots of coarse carnation grasses.

2506. Is it not the fact that the cattle themselves, and the ponies of the forest, which can go through almost anything, for several years have great difficulties in making their way over these thrown-out inclosures?—I have no practical experience of that, but I can speak very decidedly to this, that they have no inducement to go there.

2507. And they are much assisted, I believe, by the woodman clearing partially for the sake of dragging out the thinnings of the oak even now?—I think that is one of the causes operating to clear the inclosures thrown open of their natural growth of brambles and hollies.

2508. Then if the idea is to be carried into effect, that the Crown should be allowed to retain all the present planted portions of the forest for itself, they would have to inclose these places to keep out the cattle, would they not?—Yes.

2509. Now what would be the probable expense that the Crown would have necessarily to incur in fencing, not only the old woods, but all these thrown out plantations of which there are many thousand acres now; would it not be very large?—Very large indeed, and without any adequate benefit to the Crown whatever, because these thrown open plantations would not grow one iota the faster, nor would they benefit in any degree from being inclosed. The cattle do them no possible harm now.

Lord *Eslington*—continued.

2510. And they really do create the picturesque of character of the ground to a very great extent, do they not?—The cattle do certainly.

2511. Many of the old oak woods, with that picturesque ground which is the accompaniment of the old woods are extremely scattered in area, are they not?—It is very difficult to know where they begin and where they end. In fact, generally speaking, the hollies are the first outliers of these natural woodlands; then you get an occasional single beech, and some very fine old moss-covered wood, and then come in some cases into beech wood; in other cases into mixed beech and oak; and there is one wood, Pinnick's Wood, down near the large inclosure of Milkham, and the contemplated inclosures by Roe Wood, where there is scarcely anything but oak, oak of the most fantastic growth, a wonderful character of timber; there you never meet a straight grown oak like those in the plantations of William the Third.

2512. Are there not portions of the forest in which the holly sows itself, and grows with such a rapidity and strength that in a very few years' time it becomes an impenetrable thicket?—A thicket of the densest character; indeed, in riding through the North and South Bentley woods, one has to choose one's way to get through it, on account of the dense growth of holly.

2513. And are you aware that there are portions of the forest where a man at this moment cannot make his way by main force on account of the density of the holly?—There are many parts where, unless I were leathern clothed, should be extremely sorry to try to force my way through.

2514. We heard the other day that advantage would arise if the old woods were taken greater care of than they now are; I want to ask you whether any material injury does practically occur to any one owing to the unprotected condition of the forest?—Most certainly not. So far as my experience extends I do not think the population of the forest or that of its neighbourhood does any harm whatever to the natural woodlands of the forest; and I am quite clear about this, that the natural woodlands, subject to the safeguards which I have suggested upon the maintenance of the fern and the brambles, are perfectly able to take care of and to restore themselves.

2515. And has an instance ever been pointed out to you in which the public have done a pennyworth of damage in any part of the forest over which they have gone?—I have never heard of such a thing.

Lord *Henry Scott*.

2516. You said, I think, that if the fern were not cut in those parts of the forest where the seedlings would spring up, a fair amount might be expected to grow?—Certainly.

2517. If that were not found sufficient to renew the timber, could not small areas be inclosed from time to time?—They might be without any interference with the uses and enjoyment of the forest by the public, but I do not think that there would be any necessity for such steps to be taken.

2518. I mean supposing you inclose small portions, say from five acres up to 30 acres, or perhaps a little more, here and there, for the purpose of renewing the timber in the old woods, that would

Lord Henry Scott—continued.

would help it, I suppose?—It would help it *pro tanto*; but I do not think that there would be any necessity for that, if the fern and the brambles and the thickets are allowed to produce their natural crops.

2519. (To Mr. Pink.) I think your survey of the forest was confined to the line below Lyndhurst, was it not?—It was from Picket Post to Lyndhurst-road Station, north and south of the railway, extending, perhaps, from half a mile to a mile north, and all to the south of the railway.

2520. Then in that would be included a very great proportion of the land which is covered with old woods, would it not?—There is a considerable portion of that included.

2521. Are they very much scattered over that area?—Very much scattered indeed, extending down as low as Beaulieu, and up nearly to Lyndhurst.

2522. And amongst those woods are there not the best feeding lawns in the forest?—Some of the best in my portion of the forest. Balmer lawn, for instance, I think, is the best piece of lawn in the whole forest.

2523. And Allum Green?—Yes.

2524. And Grittenham Wood?—Yes.

2525. And at Hawk Hill there is what they call Halfpenny Green?—Yes, and by Pennerly.

2526. Those are open glades in the forest?—Yes.

2527. Did you observe young timber coming up in the open forest?—I did observe some, but not a great quantity.

2528. Do you concur in Mr. Squarey's opinion that if the fern was not cut near the woods where the seedlings would naturally spring up, they would grow up to a certain extent?—I think it would be necessary not to cut the fern; but further than that I think it would be necessary not to cut the bushes. I do not think the fern itself is a sufficient protection for young trees; but in many parts of the forest there are extensive patches of whitethorn and blackthorn, where I saw many young trees coming up and out of harm from the bite of cattle.

2529. Have you known trees planted in the open forest grow up with a small protection round them?—They would.

2530. Do you think it is necessary for the purpose, I will say, of perpetuating the old woods, that they should be enclosed as a mass together?—It is not necessary. I think that by leaving patches of the bushes, which I have mentioned, and hollies, and thorns, and brambles, you would get a natural growth of timber. If you would allow me, I would give you an instance. There is a wood adjoining the forest which was, 40 or 50 years ago, a portion of the forest, and was covered with beech and oak timber. It consists of 130 acres. During the last 30 years, my father, brother, and myself, who have been employed by Winchester College, have cut 5,000 *l.* worth of ripe timber upon the 130 acres. During that time a new crop has come; and during this inquiry I have been to look at it, and I value the new crop at 2,000 *l.* upon the 130 acres; and the oaks are so thick, that you could scarcely get between them; they are much too thick; and that is a natural growth of timber without a single oak tree being planted.

2531. Is that Fern Hill that you are speaking of?—No, I am speaking of Fletch Wood.

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Sir William Harcourt.

2532. Is that open or inclosed?—It is inclosed. It is, of course, much better in consequence of its being inclosed; there would not have been that natural growth of timber if it had not been inclosed. It is close to Lyndhurst-road station.

Lord Henry Scott.

2533. I wanted principally to ask you this: whether, if the cattle run in the forest, they would prevent the growth of young timber that is coming up?—They must to a very great extent, no doubt; unless you protect the young trees, by bushes or some artificial means, it would be next to impossible for them to grow up.

2534. With regard to the open forest, do you think its present park-like and forestal character is at all due to the presence of cattle on it?—No doubt it is.

2535. Supposing that the cattle were entirely excluded, it would become a dense wood in time, would it not?—It would be a jungle.

2536. Have you considered what the possible expense of fencing the whole of the old woods would be?—The question has never arisen till the question which you put to Mr. Squarey; but it would be very considerable, inasmuch as there must, in that case, be many miles of fencing.

2537. I suppose the scattered character of the woods in various parts of the forest would naturally make the difficulty of inclosing them in that way very great?—It must be greater than if they were laid together.

2538. And of course the lawns would have to be excluded from them, which would lead to additional fencing?—I cannot estimate the amount of fencing which would in that case be required; I should think perhaps 50 miles would be under the mark.

2539. Then, for preserving the forestal character of the forest, you do not think it necessary that the commoners' cattle should be entirely excluded from these woods?—I do not think so; and I believe that, if patches of bushes were left in the way I have described, you would get up sufficient natural timber in the forest to replenish it. At the present time there is no protection.

2540. Would you think that small areas, say from 2 to 30 acres, might be here and there inclosed from time to time for the purpose of raising timber?—Where there was a bare space; but I think even a space, varying from a few poles to a quarter of an acre, would be quite sufficient to replenish the forest. I saw several instances, when I was there, of young trees coming up through the bushes, five or six, or seven or eight, in the patch, which in course of time will become very good trees.

2541. Do you concur with Mr. Squarey's opinion that the pasturage in those inclosures which are thrown open is not of much value?—It is of nominal value.

2542. Supposing that the object was that a certain amount of value of pasturage should be attained in inclosures thrown open, how many trees per acre do you think ought to be kept upon them for that purpose?—Of course the fewer the trees the better the pasturage would be; but there is another question which I would suggest; to my mind, it is next to impossible to thin the trees out to that extent; you would ruin the timber by doing it.

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2543. I mean

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2543. I mean what amount of trees per acre would give a fair and reasonable amount of pasturage when the time came for throwing it out?—Thirty or 40 would be the most you ought to allow.

2544. With 30 to 40 trees per acre on the land, what would the value of the pasturage be?—A good deal would depend on what part of the forest it was. I should say on the clay lands of the forest it would be worth 5 s. or 6 s. per acre; in other parts of the forest it would be worth 2 s.

2545. If 30 to 40 trees were left, it would not be an injury to the timber, and it would provide pasturage for the cattle?—I think that the timber would be injured by thinning it down to 40 trees an acre.

2546. Then how many do you think ought to be kept on the land for the benefit of the timber?—There can be no mathematical rule; 100 trees per acre in some soils would be the right number, and 30, 40, or 50 on other soils. It is impossible to lay down any rules as to the number per acre.

2547. I suppose if the trees are too thick when young, they, to a great degree, prevent their being thinned out when they are old?—I should say that, some years ago, the thinning in the forest was somewhat neglected; and now, if they thin too much, the trees grow what we term rushy, and many of them die.

2548. (To Mr. Squarey.) You know Savernake, do you not?—I know Savernake.

2549. That is a beautiful forest, is it not?—It is a forest of itself of about 4,000 acres.

2550. Is it full of ornamental timber?—Very full of ornamental timber, indeed.

2551. Is there much young timber in it?—A fair stock of young timber. I was staying with Lord Ailesbury's agent last year for two or three days, and in walking through the forest, I observed young oaks growing amongst the thickets in the natural woods of the forest, although Savernake Forest is too largely, according to my view, stocked with deer and cattle.

2552. It would be an instance then, where, in spite of deer and cattle, the forest is renewing itself without artificial plantation?—It is a perfect instance of renewal under natural conditions.

Chairman.

2553. (To Mr. Pink.) I think you stated just now, that you had cut out of 130 acres of land immediately adjoining the New Forest, during the last 30 years, a crop of timber which was worth 5,000 l.?—Yes, I have the annual cuttings by me.

2554. That represents a very large sum per acre during the 30 years?—About 40 l. per acre; I may say it was a ripe crop.

2555. But you also stated that, notwithstanding this cutting, you estimated the young timber which had grown up during the 30 years, renewing of wood without planting, as having a value of 2,000 l.?—It is worth 15 l. an acre. I ought to explain that this wood was cut and cleared in about 5 or 6 acres annually, not a single tree being left, and therefore some parts are worth 25 l. or 30 l. an acre, others 7 l. or 8 l.; but, on an average 15 l.; the wood is worth 2,000 l. altogether.

2556. You incurred no expense whatever in

Chairman—continued.

planting it again, as I understand?—The only expense we incurred was planting a wide belt, a chain or two wide, on the south-west of the woods, the side of the wind, to shelter it; and for ornamental purposes, and, perhaps for shelter, a few fir trees on each side of the road, but no oaks were planted.

2557. That represents a very considerable value in the land for the purpose of growing timber?—No doubt.

2558. And it was a part of the New Forest, I understand?—Yes, it was formerly; under the enclosure of Eling it was allotted to Winchester College.

2559. I see in your evidence that you estimate the value of the right of growing timber in the New Forest at less than a pound an acre?—I do.

2560. That is to say, the value of the fee?—Yes.

2561. So that while 130 acres has produced, according to your evidence, 5,000 l. worth of ripe timber during the last 30 years, and the spontaneous growth of the same character of timber is now worth 2,000 l. more to the owner upon an area of 130 acres, representing together a very large sum per acre, you estimate the perpetual right in the Crown to grow timber over the whole of the New Forest at something less than 15 s. an acre?—I do.

2562. How do you reconcile your experience in the one case and your estimate in the other?—If you will allow me, I base that calculation entirely upon Fletchwood, and I will give you shortly my figures. Adjoining the forest, and one part of it, but enclosed under the Eling inclosure is a wood, known as Fletchwood, 130 acres in extent, of a similar soil. Thirty years ago this wood was covered with oak, ash, and beech, and with some Scotch fir. It is the property of Winchester College. During that period the whole crop of timber has been cut, producing 5,000 l. or nearly 40 l. per acre. I think that Fletchwood fairly represents those parts of the forest on which the old timber grows, of which there remains a considerable quantity.

Sir William Harcourt.

2563. Can you tell me about what the age of the trees was when you began to cut them?—I could not tell; I should say, from what I remember of the trees, that they were 50 to 100 years' growth. During the interval of which I have spoken a self-sown crop, principally oak, has grown up, and is worth 2,000 l., or 15 l. per acre.

2564. When did the cutting begin?—Thirty years ago. I can give you, if necessary, every date. This gives an annual value of 36 l. per annum (allowing compound interest at 4 per cent.), which is equal to 2,000 l. at the expiration of 30 years. £. 36 per annum gives 5s. 6d. per acre per annum, for the spontaneous growth of timber; but this is between fences and with the land properly drained. As an open forest, subject to pannage, the browse of cattle, cutting of fern, and turf, the value would be reduced, probably to one-fourth; but to take the most favourable view under such adverse conditions, I assume one-half, or 2s. 9d. per acre. That is how I arrive at my 2s. 9d.

Chairman.

2565. Then you take the annual value to the Crown for the purpose of growing timber in the New

Chairman—continued.

New Forest at 2s. 9d. per acre per annum?—
For spontaneous growth.

Sir William Harcourt.

2566. Uninclosed?—Yes; uninclused.

Chairman.

2567. Then, I should like you to tell me how you make 2s. 9d. per acre per annum worth only a sum of 34,000 l. in fee, over the whole forest?—If you will allow me to proceed a little further, I will show that. Taking the timber-growing soil of the forest at 20,000 acres, exclusive of the 6,000 inclosed under the Act of Will. 3, and adopting Mr. Clutton's scale of value, that the interests of the Crown and the interests of the commoners are equal; under an inclosure the Crown would fairly have an allotment of 10,000 acres, or half of the timber-growing land. The probabilities are that, as Lords, they would take the whole of their allotment in the timber-growing district, in which case the value of growing timber would be merged in such allotment, and the value of the rights would not be the subject of compensation. But adopting the view that the land would be allotted fairly as to quality, as well as in amount, then the compensation would be restricted to the 10,000 acres allotted to the commoners, this being the measure of the loss; 10,000 acres at 2s. 9d. per acre are equal to 1,375 l. per annum, which, at 25 years' purchase, gives the sum of 34,375 l., which I adjudge to be a full and liberal compensation. And the reason I have for saying so is this: this sum in 100 years, at 4 per cent., would represent nearly two millions of money, or one and a half times the present value of the timber in the forest.

2568. In Mr. Squarey's evidence, in which you concurred, given on the last occasion, there are these words at No. 2353: "Then my report proceeds, 'Thirdly, right to grow timber at, say 1 l. per acre on whole area, 55,000 l.,' which makes a total estimate of 138,050 l., as against Mr. Clutton's estimate of 153,825 l.; perhaps Mr. Pink had better now explain his views of the case; (Mr. Pink.) I only differ in the last particular from Mr. Squarey with respect to the right of growing timber, which I value at 34,375 l., instead of 55,000 l., thus making my estimate of the value of the Crown rights in the total 119,425 l."; now, I think the Committee understood you to say, that you have not estimated the value of this right at so much per acre on the whole area, but that you have taken it upon what you assume would be allotted to the Crown out of your estimate of the timber-producing ground of the forest?—Quite so.

2569. (To Mr. Squarey.) Then you ought to correct your estimate of the right to grow timber on the whole area of the forest?—I think my estimate of the right to grow timber on the whole forest is simply a compromise. I have not gone into the careful calculations which Mr. Pink has made, to arrive at his estimate of the Crown's right to grow timber, but I have thought that, looking at the fee-simple value of the whole area of the New Forest, and the rights of the Crown to grow timber on it, whether its rights in some portions might be very valuable, or in others perfectly valueless; that a fair commutation of its rights would be represented by 1 l. per acre over the 55,000 acres which is the subject matter of the right to grow timber.

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Chairman—continued.

2570. Is it not the fact that the Crown, as the lord of the soil, is entitled to all the timber in the forest, wherever it may be?—Undoubtedly.

2571. Have you not stated that, in your judgment, timber will spontaneously grow up if it is left alone all over the forest?—Not all over the forest most certainly; I think there is 15,000 acres where nothing at all would ever grow in the shape of timber.

2572. Then, excluding those 15,000 acres, you say, do you not, that the Crown has a right to all the timber that can grow in the forest, and that the timber will best be grown by leaving it uninclused?—No, I have not said that; I have said with reference to the preservation of the natural woodlands, the area of which we have estimated at 5,000 acres, that taking the natural woodlands as they are now, a reproducing crop of timber will grow there if the safeguards which I have suggested are maintained, that is, that the fern is not cut, and that the brambles and thickets are allowed to be maintained.

2573. Then, at all events, this evidence that you have given in answer to Question 2353, is not to be taken, on the part either of yourself or Mr. Pink, as a statement of the assumed value of the right of the Crown to grow timber over the whole area of the forest, but only over such portions as you, in your judgment say would be allotted to the Crown in the event of a separation of interests?—Most certainly not; my statement is, that the 138,000 l. includes, amongst other things, the right of the Crown to grow timber over the whole forest.

2574. Notwithstanding the evidence which your friend Mr. Pink has given, that the value of growing timber in the 130 acres of which he has spoken, has been 5,000 l. within the last 30 years, and a subsequent renewed growth to the value of 2,000 l. within that period?—I have listened very carefully to Mr. Pink's evidence, and I quite believe in his results over the area which he specifically dealt with; but the area of the New Forest, and the character of the New Forest, utterly prevent the application of the same principle which Mr. Pink has so fortunately attained over the lands at Fletchwood.

2575. Now, we have had a good deal of evidence as to the effect of planting upon the lands; where is the best pasturage in the forest now to be found?—I should say that the best pasturage of the New Forest which I have found in my portion of the survey was in the neighbourhood of Allum Green.

2576. Is that where an old wood has existed?—No; it is one of the open lawns.

2577. Within the wood?—There is a certain quantity of natural woodland fringing upon Allum Green, and therefore up to a certain point, it would come under the category of the natural woodland of the forest; but I would speak again of Eyeworth and the Pinnick Wood, where the herbage growing up, close up to Pinnick Wood, and the glades in Eyeworth, are producing really very fair pasturage.

2578. If the Committee have had evidence to the effect, that planting tended rather to prepare the ground for pasturage, you would be of the opposite opinion, would you?—I do not think I should be of the opposite opinion, if my opinion is asked as to the future rather than as to the present; if, for instance, you take the inclosures which have been thrown out some 20 or 30 years,

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if the timber were cleared there, I have no doubt that the pasturage, subject to the action of the cattle and the ponies of the commoners, would come to be of a rather better character in 50 or 100 years, than it would be naturally before that inclosure was made.

2579. Then in the interest of the commoners, do you advocate clearing the land of trees?—In the interest of the commoners, so far as the inclosures are concerned, and apart from the question of pannage, obviously, a larger quantity of actual grass would be produced than is produced under the system of planting.

2580. I do not understand you to say that you would recommend an owner in dealing with his own woods to throw them open?—If the owner contemplated the growth of underwood concurrently with the growth of timber, it obviously would be a great mistake for him to think of throwing those woods open; but if he simply desired to grow fine natural timber, and plants for that purpose, instead of trusting to natural operations, most distinctly after the trees have attained the age and the size which the trees in the artificial inclosures of the New Forest have attained before they are thrown out, I would let the cattle come in and feed amongst them, and the trees will grow the better for it.

2580. But with a desire that the picturesque character of the forest should be preserved, and the trees renewed by the process of nature, you would recommend that a wood should be thrown open?—I would then recommend that a wood should be thrown open.

2582. And you would think that that course would result in the preservation of ancient timber and good timber for future years?—I conceive that no damage could arise to the old timber, and that, under those conditions which I have named, a sufficient crop of young timber would come up to replace the timber which would fall through decay of age.

2583. You state deliberately as your judgment, in which Mr. Pink concurs, that the woods of the New Forest will be renewed if left uninclosed, subject to the ordinary conditions of nature?—Subject to the conditions I have named; that is, that the fern, the bramble, the thickets, and the hollies are left untouched.

2584. Then you contradict, with your experience, the evidence of Mr. Clutton, which was to the contrary effect?—I am very sorry if I am obliged to differ from him.

2585. According to your valuation, the 11,000 acres now inclosed will be worth to the commoners exactly what 5,500 acres to be inclosed would be worth at the time they were taken in?—That would be so, according to my answer to the question which Mr. Rodwell asked me.

2586. And you would think it a perfectly fair arrangement, would you, that if two acres are thrown open of the present inclosures, one acre should be at once taken in and planted?—I think that it would be the representation of the value, subject to the selection of the areas over which that operation extended.

2587. That is to say, supposing that the commoners, as a matter of fairness, were entitled to all that they possess at the present time, and we started now upon a new arrangement, you would advocate, as a perfectly fair arrangement to them, that for every two acres thrown open one acre should be inclosed and planted?—Subject to the

Chairman—continued.

selection, I think that it would be a not unfair representation of value.

Sir William Harcourt.

2588. (To Mr. Pink.) There is one question I want to ask about that plantation of 130 acres which you spoke of. I think you said the part cleared at the earliest period was now worth from 25 £. to 30 £. an acre?—£. 25 an acre.

2589. That is land that was cleared 30 years ago?—Yes.

2590. If the whole had been cleared 30 years ago, the whole would have been of a similar value?—Yes, no doubt.

2591. That represents, in point of fact, does it not, an annual value of something under a pound an acre?—I daresay it would.

2592. Then this land, since the clearance of timber, has represented in the value of the growth of timber, let us say 18 s. an acre?—Then you would have to discount that to its annual value it has accrued in 30 years.

2593. I daresay you could tell me what that would represent?—I did discount the 15 £. an acre, and it comes to 2 s. 9 d.

2594. But I daresay you could tell me off-hand what 25 £. an acre at the end of 30 years would represent in annual value; it would represent more than 10 s.?—I cannot answer the question of the absence of tables.

2595. Perhaps you will supply that figure?—Yes.

2596. That land of which you have been speaking, I suppose, would represent the average of what you may call the better lands of the forest in point of quality?—It is not equal to the better land of the forest; I should say it would be about an average of the forest.

2597. An average of the forest all over?—I should think so.

2598. That is the value we may take as the average value of planting the average land of the forest?—Yes; properly fenced and drained.

2599. Can you give me an idea of what the value of that land would be, let alone, without fencing; supposing it had been cleared 30 years ago, and there had been no fences put round it, what should you say it would be worth now?—In reading my report, I said I thought a fourth, but I have taken a half.

2600. But supposing the wood had been all cut down 30 years ago, and there had been no fences, and the cattle had run over it, what would have grown?—Probably, very little.

2601. I am surprised at your taking one-half; should I not be right in saying, that nothing would have grown?—No; I think if the bushes and the brambles had been left, and not cleared as they are now in the New Forest, there would have been a growth of say one-fourth, or one-half.

2602. You really think that if this 130 acres had been cleared clean, and the cattle had been allowed access to it, the wood upon that would now have been worth 15 £. an acre?—No; it is only worth 15 £. now.

2603. You told me, that if it had been all cleared at the time, it would be worth 25 £. an acre?—Under the same conditions, if it had been fenced and drained, no doubt it would.

Lord Henry Scott.

2604. I think, when you made your calculation, you specially excluded the 6,000 acres that

Mr.

Lord Henry Scott—continued.

Mr. Clutton excluded?—I did, and I took 10,000 acres besides.

2605. And the 2,000 acres which are held in freehold?—Yes.

2606. Of course, if there are no trees on the land at all, there is nothing to renew the timber?—No, because there can be no acorns.

Sir William Harcourt.

2607. What would the value of that land, in your estimation, have been if no timber had been one at all; if it had been open land, what would have been its value for pasturage purposes?—

Sir William Harcourt—continued.

Very little for a long time, because after you clear an oak wood, unless you grub and stub it, there could be very little pasturage.

2608. I mean if it had been land that had never been planted, from the quality of the soil, what would have been the pasturage value of it?—I should say it would have been worth 7 s. or 8 s. an acre if it had been natural pasture.

Lord Eslington.

2609. The cost of grubbing an old wood in that county would come to 8 l. or 10 l. per acre?—£. 15.

Mr. T. SMITH WOOLLEY, called in; and Examined.

Chairman.

2610. You are a Surveyor, are you not?—I am.

2611. Will you state to the Committee where you practise your profession?—At South Col-lingham, near Newark, Nottinghamshire.

2612. Have you any acquaintance with the New Forest?—I was very much occupied there about 25 years ago, but beyond that, till lately, I have not known much of it. I bought the land for the Southampton and Dorchester Railway in 1847.

Lord Henry Scott.

2613. How long have you been in practice?—Thirty years, and upwards.

2614. Have you had experience in valuation of forests?—I have acted as valuer in two or three forests; Wychwood, Whittlebury and Mansfield, and Mansfield Woodhouse forests.

2615. Have you made yourself acquainted with the circumstances respecting the interests of the Crown and the commoners in 1849?—I spent two days recently in looking generally over the northern part of the forest with Mr. Squarey, and a day with Mr. Pink in looking over the southern portion, and I have made an estimate of the respective rights of the Crown and commoners prior to 1849.

2616. Were you in that guided, to any extent, by your experience as regards other forests?—Entirely so; I applied my experience in other forests to this case.

2617. I suppose you are aware that Mr. Clutton estimated the value of the forest to the Crown and the commoners, in 1848 and 1849, at half and half?—I see from his evidence that was his opinion.

2618. Perhaps you are aware that he has since said that he could not stand by that computation?—I have not seen his recent evidence, but I hear that he has retracted his former opinions.

2619. Do you concur with him in any degree as to his original estimate?—I think that half is more than the Crown was entitled to.

2620. What would that opinion be based upon; your experience of other forests?—Yes, my experience of other forests, taken in connection with my inspection of this. I have the details on which my opinion is based here, if it is the pleasure of the Committee to have them.

2621. Perhaps it would be convenient to the Committee if you would read to them what you think about this matter; you have prepared a report, have you not?—I have prepared a report, O. 100.

Lord Henry Scott—continued.

in which I say this: "(2.) I have taken for granted the approximate accuracy of Mr. John Clutton's classification of the forest into three qualities, as set out in his evidence before the Committee of the House of Commons in 1849, namely, 30,084 acres at 1 s. 6 d. per acre, making 2,256 l. 6 s.; 15,000 acres at 5 s. per acre, making 3,750 l.; 18,660 acres at 10 s. per acre, making 9,330 l.; the total acreage being 63,744, and the total value being 15,336 l. 6 s., which is an average per acre of about 4 s. 9 d. These figures indeed, in my opinion, still represent, with sufficient accuracy, the bare rental value of the forest in its present state; and it is not necessary, for the purpose of the present inquiry, to consider whether the proportion which the present value in fee bears to them is not greater than Mr. Clutton's estimate in 1849. (3.) With regard to Mr. Clutton's opinion that the commoners' interest in the forest lands did not, prior to the Deer Removal Act, exceed one-half, I cannot concur in it, for the following reasons: (a.) Without taking into account the rights of pannage, fuel, or turbary, about 65,000 acres of inclosed private lands are entitled to common rights proper, either appendant or appurtenant: (b.) Having regard to the general quality of the land, the neat cattle and horses wintered upon these inclosed private lands may be taken at 10 per 100 acres, giving 6,500 head as the stock which would probably be turned out in the forest. (c.) Considering the poverty of the soil of so large a proportion of the latter, six acres, at the least, of average land will be required for the keep of each head of commoners' stock during the open months, giving 39,000 acres as the area necessary to meet their requirements. (d.) Whatever the law may be, as to the paramount rights of the Crown in respect of the deer feed, it is certain that in practice the exercise of the right must be limited to such a number as the forest will support during the winter; it is hardly to be supposed that deer would systematically be imported from a distance every spring to take advantage of the summer feed in the forest. (e.) Taking 3,000 head as practically the maximum number, and allowing three acres of average land per head, half that estimated for neat cattle, 9,000 acres would represent the Crown rights to feed for deer. (f.) It is impossible to lay down any definite principle for estimating the value of the Crown right to grow timber on the uninclosed lands of the forest; but taking into account the entire unsuitability of so large a proportion

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portion of it for the growth of timber, the amount of destruction of seedlings by deer and stock, especially the former, on the residue, and the restrictions to which it is subject in respect of the commoners' rights of pannage, fuel, and turbary, one-seventh of the total value must be a very liberal allowance. (g.) The value of the Crown's right to the soil, according to the scale of compensation to lords of manors usually adopted in inclosures, would be about one-fifteenth of the forest lands. Prior to 1851, therefore, the respective interests of the Crown and commoners were, according to my view, nearly as follows: Crown, deer feed, 9,000 acres at 4 s. 9 d. per acre, would be 2,137 l. 10 s. Right to grow timber on uninclosed land (subject to commoners' rights of pannage, fuel, and turbary) 57,000 acres; one-seventh, 8,144 acres, at 4 s. 9 d. per acre, would be 1,934 l. Right to inclose for growth of timber, 6,000 acres, at 4 s. 9 d. per acre, would be 1,425 l. Rights to soil on 63,000 acres, one-fifteenth, makes 4,200 acres, which at 4 s. 9 d. per acre would be 997 l. 10 s. Total acreage, 27,344, amounting to 6,494 l. Commoners, 39,000 acres, at 4 s. 9 d. per acre, amounting to 9,262 l. 10 s., or about two-fifths of the total value of the forest to the Crown, and three-fifths to the commoners, without taking into account their rights of pannage, fuel, and turbary. (4.) The power of inclosure given by the Deer Removal Act, has since the date of Mr. Clutton's evidence altered very materially the relative interests of the Crown and the commoner; indeed, if that power is fully exercised, the commoners' rights will ultimately be reduced in value, in the way hereafter explained, to something very much less than half. (5.) The cases of Wychwood and Whittlebury forests have been adduced before the Select Committee, and as I was concerned in both as valuer, though I had nothing to do with the proportions assigned to the commoners, I may explain that a very large part of each forest was covered with wood. In Wychwood, one-fifth in value of the coppices and one-fourth of the residue was assigned to the commoners; in Whittlebury, one-fifth of the coppices and one-third of the rest; but they do not afford fair precedents for the New Forest. (6.) In the inclosures of Mansfield and Mansfield Woodhouse Forests (parts of the ancient forest of Sherwood) in which I was also concerned, the forestal rights of the Crown were commuted for one-thirty-sixth in value of the lands inclosed. It is to borne in mind, however, that the right to keep deer, though unquestioned, had not been exercised for many years. (7.) As to the question of the relative values of the land now in the hands of the Crown under its powers of inclosure and planting, and of that left for the exercise of the commoners' rights, so far as my opportunities of judging extend, I concur in the conclusions of Mr. Pink and Mr. Squarey. (8.) The same remark applies to the values of the lands proposed for inclosures. (9.) As regards the lands under-drained, notwithstanding many imperfections of materials or workmanship, the result has apparently been, on the whole, to improve them considerably; at all events, they are all now of the class which Mr. Clutton valued at 10 s. per acre. (10.) Reverting to the effect on the commoners' interests of the exercise of the "rolling" or successive right of inclosure now claimed by the Crown, I inspected nearly all

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the inclosures which have been thrown out, with special reference to the amount of pasturage which they yield. (11.) Pitt's inclosure, thrown out in 1815, is almost the only one in which there is any appreciable tendency to produce grass fit for stock. By the time the trees upon it, which at present average 87 per acre, are reduced to 35 or 40, it will afford tolerably fair herbage, though much inferior probably to the original pasture; many years, moreover, must elapse before the trees are reduced to that number, since very gradual thinning is necessary to avoid injury to the remaining trees. (12.) The other thrown-out inclosures are in a great measure worthless for pasture, though I am told the cattle frequent some of them in certain conditions of the weather; I saw very few on them. The undergrowth consists in some places, as Wilverley, of moss, bracken, stunted heather, with a few whortleberries and brambles; in others, as Holmesley, of white-thorns, brambles, woodbine, oak-suckers, hollies, and other plants of no value for food. (13.) Notwithstanding the length of time during which they have been open, there is no appreciable tendency to improvement as pasturage, nor can there be any, except at the slowest possible rate, because, so far as the oak plantations are concerned, the trees are, and must be, left standing so thickly as to prevent the growth of anything except scrubby underwood; under Scotch firs little vegetation of any kind ever grows. (14.) In my opinion, the average available feed in the thrown-out inclosures, as compared with the pasturage on lands of the like quality uninclosed, does not, and cannot hereafter, bear a higher ratio than as 1 to 4; in other words, out of every 1,000 acres inclosed heretofore and hereafter for the growth of oak, 750 may be regarded as withdrawn from the commoners for an interval which must be reckoned by centuries; equivalent practically to the total extinction of their right in respect of it. (15.) I do not dwell on the inconvenience of the access to the portions remaining uninclosed, in consequence of the position and extent of the blocks of land inclosed or to be inclosed, because that is a matter with which local witnesses are more competent to deal."

2622. You have heard Mr. Pink and Mr. Squarey give evidence, I think, have not you?—I heard them give evidence this morning, not that given by them at the last sitting.

2623. I believe you have seen their reports?—I have read their reports.

2624. Do you concur generally with them in their views?—I concur in their views as far as my opportunity of judging goes.

2625. Subject to certain modifications mentioned by you?—Yes; my report is made on a perfectly independent basis.

2626. With regard to the land that is now at the present moment within inclosure, the 11,000 and odd acres of lands which have been planted under William the Third's Act, and otherwise, which I think are coloured pink on that map, do they represent the most profitable land for the purposes of planting in the forest?—Certainly.

2627. Do you think that it would be more profitable to the Crown to plant and cut and replant upon that area rather than go into other areas of the forest?—In my opinion it would be better to maintain them as permanent woodlands rather than to enclose fresh areas of the forest.

2628. That would give an area in round numbers

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bers of 20,000 acres, which you might call a woodland property, which would be dealt with purely as woodland?—Yes.

2629. Do you think that they could be managed as woodland for profit, and yet be of any advantage to the commoners for the purpose of pasturage?—I do not.

2630. You think that the two interests could not be very well reconciled?—I think not.

2631. Supposing that those areas were entirely appropriated to the Crown for the purpose of growing timber for profit, do you think that they would represent fairly the Crown's interest in the forest?—I think you are assuming that the Crown's right of soil should remain dormant, as it is at present.

2632. I am assuming that the Crown should remain as now, as a lord of the manor, with everything appurtenant to the lord of the manor, and with the right to the self-sown timber upon it, and with such other rights as they may be presumed to possess over that area. I am assuming that remains, that there is no separation or division at all, but merely that the Crown for profit's sake should limit its operation of planting for profit to the area already covered with young plantations or plantations of 100 years' growth, we will say, made since Will. 3?—I think that 21,000 acres of average land would fully compensate the Crown for all their rights, except their right to the soil; and inasmuch as the 20,000 acres which we are now speaking of is very much better than the average, I think it would be a very liberal allowance for the rights of the Crown other than their right to the soil as *quasi* lords of the manor, and their right to the timber on the uninclosed land.

2633. They would have, I presume, a considerable interest remaining in the natural self-sown timber of the forest also, would they not?—Unquestionably.

2634. Do you estimate that at any value?—I have not taken that into account at all.

2635. Still, from what you have observed of the forest, is there a prospect of much self-sown timber on the forest, especially fir?—The fact that it is a forest, of course, shows that it has a tendency to reproduce itself; much of it must be of purely natural growth.

2636. Then, financially, I presume you think that it would be best for the Crown to limit its operations for planting purposes for profit to the area it has already got in plantation?—That is my impression.

2637. You mean that they would be most profitably worked as woodlands?—That they should keep what they have already dealt with, and work it as woodlands. I think it would be more profitable than inclosing larger areas of comparatively poor land.

2638. Do you agree generally that there are 30,000 acres of heath land in the forest which is of little appreciable value?—I do. I have adopted Mr. Clutton's judgment in that particular.

2639. And you agree with that?—I agree with that from the view that I had of it.

2640. I think you have told us that the pasturage in the woods that are thrown open is not of much value?—It is of very little value indeed. I think it cannot be described better than in Mr. Clutton's Report on the Whittlebury Forest, which is exactly an analogous case. In Whittle-

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bury Forest the coppices were supposed to be kept inclosed, after they had been cut, for nine years; practically the fences were broken before that, but, at anyrate, after that the commoners' cattle went into them; and Mr. Clutton said very truly, in his Report of the 27th of June 1848: "At the same time, the fact of the parties having rights of pasture is of extremely little value; in fact, I should say that the coppices are of no value for feed, especially when the unwholesome nature of the food is considered." That is Mr. Clutton's description of the coppices which were thrown open to the commoners' stock in Whittlebury, and that describes exactly the state of the thrown-out woodlands in the greater part of this forest.

2641. You have heard from Mr. Squarey his opinion as to the land covered with old and ornamental timber in the forest?—Yes.

2642. It is very much scattered, is it not?—It is in very scattered areas indeed.

2643. Do you think that its forestal character is in any degree due to the browsing of cattle amongst it?—I have a very strong opinion that it is. It is a question of taste of course, but if it were inclosed it would totally lose what I should consider its present beauty.

2644. In what way?—There would be a dense undergrowth of different things, which would quite destroy its character as open forest land.

2645. Do you think that there might be a crop of young timber growing up always in the forest, in spite of the cattle?—As I said just now, the fact that great part of the forest has been self-planted with natural timber shows that there must be. Undoubtedly it would be a very slow process; but there is a very great tendency to grow young oaks where there is the slightest cover from natural thorns, or anything of that sort; there are a great many seedlings showing already.

2646. In fact, its being open to cattle now gives it its park-like character, I suppose?—Entirely; it would quite lose that park-like character if it were inclosed.

2647. Do you think that the cutting of ferns and brambles is an injury to the growth of seedlings?—If they are left alone they will protect them, unquestionably, to some extent.

2648. You do not know Savernake, I think?—I have spent one day in it, that is all. It is a most perfect specimen of a forest, and there is a very great succession of young trees.

2649. And there are cattle and deer there, are there not?—There are cattle and deer there.

2650. Could individual trees be planted?—That is rather what I should look to, the planting and guarding of selected small areas, or even of individual trees in particular cases.

2651. You mean that, for instance, from an acre to 25 acres might be planted here and there over the forest?—Yes; I should myself look more for the renewal of the forestal character of the timber to a process of that sort, than merely leaving it to nature, because of course it is a very slow process so long as the seedlings are exposed to the stock.

2652. Taking the open glades of the forest between the trees, there is a good portion of that, is there not, which is the best pasturage in the forest?—Undoubtedly.

2653. If you had to treat the old woods of the forest for the purpose of maintaining their beauty,

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Mr. Woolley.

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Lord Henry Scott—continued.

what would be your way of treating them for that purpose?—It would be merely inclosing comparatively small areas, and either planting or trusting to natural growth for the re-production of trees. I think the inclosing of the present groups of fine trees would not tend to their renewal at all; nothing would grow under them but rough undergrowth and hollies.

2654. In many cases even now they would be better for being thinned to some degree, would they not?—Certainly, financially; and I think in some cases also with a view to the picturesque.

2655. I suppose young trees will not grow up under old trees if they do not get the sun and the light?—They cannot possibly grow under old trees, of course.

Mr. Alexander Brown.

2656. As to the woodlands, would, according to your idea, they be treated entirely as woodlands, inclosed and planted?—Treated as permanent woodlands.

2657. And they would then become a source of annual income and profit to the Crown?—They would vary, of course, with the varying qualities of the land; but as a whole, they would be unquestionably a very valuable property indeed.

2658. Is there any possible way of estimating what value they would be to the Crown?—It is rather a difficult question. I am not prepared to give any evidence upon that; it requires a great deal of calculation, and people are not agreed as to the right way of valuing growing plantations.

Mr. Ryder.

2659. You take 4 s. 9 d. an acre as the average of the whole forest?—Yes.

2660. Can you say what it would be for the inclosed portions?—No, I have not gone into detail; I have simply adopted Mr. Clutton's figures, but personally I think they fairly represent the bare rental value.

2661. Did you form any estimate of what the value would be of the land which is uninclosed?—No, beyond this, that a very large proportion of that which is uninclosed would come under Mr. Clutton's 1 s. 6 d. land. I could not say the relative proportion.

Mr. John Stewart Hardy.

2662. I asked Mr. Clutton whether the value of the Crown's right of keeping deer was not practically limited by the fact that the forest could only keep a certain number in the winter, so that there would be much more feed than was necessary for them in the summer. Do you agree with that?—In theory there is an unlimited right, undoubtedly, but in practice of course it is limited to what will not die off in the winter.

2663. Practically the quantity of deer that the forest would keep in the winter could not possibly consume the food in the summer; there would not be sufficient food in the winter for the quantity of deer that could live in the forest in the summer on the same amount of ground; they would require other animals to take it?—Of course what is not eaten by the deer will be eaten by the commoners' cattle.

2664. All I want to know is, whether it is not a matter of fact that land will not carry the same amount of stock in winter as in summer?—Certainly.

Sir William Harcourt.

2665. How many trees, we will say, of 50 years of age, have you in these ancient open woods of the forest, or how many of 100 years of age?—Very few.

2666. You know we have been told that there is no difficulty whatever in the wood replenishing itself from the protection of bramble and thorn. If that is so, there must be trees of all ages there; I should like to have your estimate of the number of trees in those ancient woods of 100 years old, say?—There are very few young trees there; but it is obvious, from the fact of the old ones being there, and never having been planted, that there must have been some process of natural renewal going on.

2667. I want to know how the process is now going on; how many trees should you say are there of 50 years of age?—A very small quantity indeed.

2668. For some reason or other then, the process of replenishing within the last 50 years has not been going on so rapidly?—It has not.

2669. Then you would not recommend, would you, that things should be left as they are with regard to the future?—There should be some measures taken for leaving the thorns, the bracken, and things of that sort, as one way of renewing the timber; but, further than that, I think that small areas should be inclosed.

2670. Dotted round about the ancient imber wherever there are favourable open spaces you would have, I suppose, posts and rails put to protect either self-sown or planted timber?—I think that is the only expeditious way of renewing the forestal character of the place.

2671. And that might be done without any serious detriment to the interests of the commoners?—If the areas were very small, certainly.

2672. You do know, perhaps, who the fern is cut by now?—I am sorry to say I do not.

2673. Now you gave an answer which surprised me. You said that the most profitable way to the Crown, would be to manage the existing planted inclosures as woodland; but why should that be the most profitable; they have always had the right to do that, and they have the right at present, have they not, to manage the existing inclosures as woodlands?—Yes, but I was speaking also of thrown-out inclosures, all that they have dealt with in any way.

2674. The thrown-out inclosures, of course, would not want to be replanted for a great number of years, is not that so?—Yes.

2675. It would be a matter of a hundred years before anybody would replant those; as to the red parts inclosed under William the Third's Act in comparatively recent times there will be no question of cutting them down and replanting them as new young inclosures during the next century, will there?—Certainly not.

2676. That being so, and the Crown having at present the right over the red and the green patches, all that they inclose in addition would be so much more profit, would it not?—In a certain sense it would, of course.

2677. Supposing there is land left, equally good, for the purposes of planting and that were inclosed, that would necessarily be an additional profit to the land they already possess, would it not?—It is an additional right certainly, in one sense an additional profit.

2678. If

Sir William Harcourt—continued.

2678. If the right is profitable at all it would clearly be an additional profit, would it not?—Yes.

2679. You perhaps heard the evidence that Mr. Pink gave when he said that the 130 acres which he spoke of represented the average land of the forest?—I was not attending to his evidence at that moment.

2680. You tell us that you were engaged in the Wychwood and the Whittlebury inclosures?—Yes, I was.

2681. Now I see that Mr. Clutton says that in the case of Wychwood the Crown obtained 2,737 acres and the commoners 760 acres. Had the commoners right of common all over Wychwood?—Yes.

2682. How do you reconcile the fact that in Wychwood the Crown got 2,737 acres and the commoners only 760 acres, with the principles which you have adopted for the valuation here?—It was arranged before the Act was passed that one-fifth of the coppices should be assigned to the commoners and one-fourth of the residue; and, I suppose, what weighed with the people who arranged that was that half of the whole area was covered with timber and coppices, and only half was open. That of course is a different thing from what we find here.

2683. But, even so, if you were to apply the principles of the Wychwood appropriation that would work much more favourably to the Crown in the New Forest than your calculation does, would it not?—I doubt it.

2684. In Wychwood, in round numbers, the Crown got four-fifths, did they not?—They got four-fifths of the coppices.

2685. They got four-fifths of the whole, did they not?—No, they got three-fourths of the remainder.

2686. They got four-fifths of the coppices, and three-fourths of the residue?—That is so.

2687. That is something very different from what is proposed here?—The cases altogether differ. The land in that case was well adapted for growing timber, and half of it was covered with timber and coppice.

Mr. FRANCIS F. LOVELL, called in; and Examined.

Mr. Couper-Temple.

2695. In what part of the forest is your residence?—Near Brockenhurst.

2696. Is your land mentioned in Domesday Book?—Yes.

2697. And you farm your own estate?—Yes.

2698. And do you exercise forestal rights in respect of it?—I do.

2699. Has the pasturage of the forest been injured since the passing of the Deer Removal Act?—Very much indeed.

2700. What, in your opinion, would be the effect of further inclosure on the rights of pasturage?—I think that it would reduce the rights of pasturage almost to *nil*, if the Act of 1851 is carried out.

2701. Do you think that if the commoners were compensated they would receive an equivalent for their rights?—No, I think that no equivalent could possibly compensate them.

2702. In what year did you first become acquainted with the forest?—In 1847.

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Sir William Harcourt—continued.

2688. With regard to land well adapted for growing timber, and covered with timber, it was, in your opinion, a fair valuation to give the Crown three-fourths and the commoners one-fourth?—I was not consulted on that point; that was part of the arrangement before I was called in.

2689. Now, in Whittlebury, the Crown, I see, obtained 3,183 acres, and the commoners 680 acres?—In that case the commoners had one-fifth of the coppices and one-third of the residue, the Crown of course taking the rest; and, in that case the open plains and ridings were only 452 acres, and the coppices and ridings subject to common right were 2,536 acres, the total being 2,988.

2690. In Woolmer the Crown had 3,400, and the commoners 1,200 acres, in round numbers?—I do not know Woolmer Forest.

Mr. Couper Temple.

2691. With reference to your answer as to the possibility of some of the thrown out inclosures marked red being cut and re-planted, may I ask you whether inclosures such as Ocknell and Puckpits, which were planted in 1775, and South Bentley, which was planted in 1700, might not probably be ready for cutting now?—As a financial matter they might.

2692. Do you consider that the practice of cutting fern in the old woods must destroy the young trees which spring up spontaneously?—Certainly.

2693. According to your examination of the forest do you think that there is much more land of a higher value fit to be inclosed for planting?—I think not.

2694. I understood you to say that that which was marked white in that map produced the other day was land that it would not be profitable to inclose for the purpose of planting?—I think a very large proportion of it would grow hardly anything; some of it would grow Scotch fir.

Mr. Couper-Temple—continued.

2703. Since that period have you observed a great change in its aspect?—Yes, very great indeed.

2704. Will you explain what has occurred to you as the chief change in regard to the appearance and beauty of the forest?—In the year 1847 there were hardly any new inclosures; there were a few inclosures, but the great space was all either open heath or very fine old woods.

2705. And have you observed that the policy recommended by Mr. Cumberbatch's letter in 1853 has been acted upon in the forest?—As to cutting smack smooth, do you mean?

2706. Yes; the policy of the letter in which he recommended that the portions of the forest which were within reach of the Crown should be cut smack smooth of all trees?—Most decidedly.

2707. Can you inform the Committee of any woods which you remember to have been cut down and entirely destroyed before 1855?—

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Islands

Mr. Woolley.

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Mr. Lovell.

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Mr. Cowper-Temple—continued.

Islands Thorns, Frame Wood, Park Hill, and Oakley.

2708. And then since 1855?—Rinefield Old, Shave Green, Brochis Hill, Deury, Perry Wood, Slufter, Sloden, Busket's Lawn, Knight Wood, Deer-Leap, King's Garn, Highland Water, Denny Wood, and Hawk Hill.

2709. Will you tell us those woods that you particularly regret, on account of the beauty of their trees?—Most particularly Rinefield Old; it was the finest wood I ever saw in my life; it was planted by William III.

2710. Of what sort of trees was it chiefly composed?—Mostly of oak.

2711. And it was cut down for the purpose of creating a plantation, was it?—It was cut down smack smooth for the purpose of creating a plantation, all excepting one clump.

2712. In what year was that?—1859.

2713. Were there a large number of old yew trees cut down in one of the woods?—There were a great many hundred old yew trees cut down in Sloden Wood, and why they were cut down I have never yet been able to ascertain. Mr. Cumberbatch stated that they were cut down because the shelter had been cut down, and therefore the trees would have died; but all the shelter is left standing now, while the yew trees to the leeward side of it were cut.

2714. You did not see any necessity for their being cut beyond this apprehension, that they would die of their own accord?—I did not see any reason whatever, nor do I admit that there was any apprehension.

2715. Were they very large trees?—They were not all of the same size; some were large, and some were smaller. There were a great many excessively fine trees not past their prime at all. There were many other woods that were treated in the same way.

2716. And will you tell me to what extent you think old trees have been retained within the inclosures that have been made?—One clump has been retained in Wood Fidley; one clump has been retained in Puckpits; most part of Puckpits was cut, but one clump in the highest portion of the wood was left.

2717. You would not say that there were more trees left than you could properly designate by the word clump?—Certainly not.

2718. What was done in Knight Wood?—Knight Wood was an inclosure very bare of old trees; all the old trees that stood there have been left, with a very few exceptions; and that I should instance as the best specimen of good management in the New Forest for all interests.

2719. Is there a very marked difference in picturesque beauty between the plantations, of whatever age they may be, on the one side, and timber that is grown naturally on the other?—All the difference in the world; one is hideous, the one which the hand of man has touched.

2720. Does the beauty of the forest depend mainly on the graceful lines which occur in a self-sown wood, and which are not seen in a planted wood?—Most decidedly. There are 5,000 acres of old wood existing now, and if those 5,000 acres of old wood were destroyed, you might just as well go and live in a cabbage garden as far as beauty is concerned.

2721. Is it one of the peculiarities of those old woods that there are open glades and lawns con-

Mr. Cowper-Temple—continued.

tiguous to the trees?—It is particularly so; it is that that gives them their beauty.

2722. And is there a large quantity of holly and other undergrowth in those woods?—The fact is that the New Forest is undergoing a great change. The Deer Removal Act was passed, and all the deer were destroyed about the year 1855; from that moment to this a marvellous undergrowth has been taking place, and that undergrowth is increasing from day to day, and will do so more. There is nothing to interfere with this undergrowth except one thing, and that is the scythe.

2723. Do you think that that undergrowth impedes the young trees, or that it protects the young trees from cattle?—The undergrowth is a protection to the young trees; precisely as the Scotch fir, the nurse planted by the hand of man in the inclosure, so the undergrowth protects the natural young trees.

2724. Then do you consider that the self-sown trees are more numerous now, since the deer have gone and the undergrowth has increased, than they were before the deer were removed?—Infinitely so, and they are hardly ever damaged by the commoners' cattle or by the ponies which have been mentioned; I know this as a fact, because all round my own house I see it every day.

2725. Would you explain how it has happened that the absence of deer has occasioned this increase of the growth of underwood if the cattle have remained as numerous as they were before?—Because the deer were in the forest all the year round; and in a hard winter when there was snow and frost on the ground they were obliged to live somehow, and they nipped off everything they could find above the snow.

2726. It was, as I understand you, the presence of the deer in the winter that caused this destruction of the young trees, the cattle being, for the most part, out of the forest in the winter?—I should say decidedly so; they lived much upon the hollies; there is nothing they like better than holly; they destroyed them, and no doubt in the winter they destroyed rising young trees as well.

2727. The old ornamental timber has been estimated to be growing on 5,000 acres; would you tell us in what way it grows, whether in large blocks or scattered about in patches?—There are about 22 old woods and old patches of wood that are worth counting, and they are scattered in every direction all over the forest, some are 12 miles apart, some have one shape and some another, and some consist of a range of woodlands. There is a range of wood that runs all the way from Lyndhurst to Bramshaw, a range of wood five miles long. There is the same from Lyndhurst to Brockenhurst, a narrow strip on each side of the road. They lie scattered all over the forest, miles apart, some of them.

2728. And do you think that if it were thought desirable to protect those old woods by fences, for the purposes of enabling the young trees to grow, a very large extent of fencing would be required for the purpose, owing to this scattered position of the old trees?—An enormous extent.

2729. And that would be specially the case if it were arranged to exclude the lawns from the inclosures?—I think it would be impossible to exclude the lawns, because the lawns and the old woods are intermixed, and if you excluded the

Mr. *Couper-Temple*—continued.

them you would have the most eccentric shaped fences it is possible to conceive.

2730. What is your opinion as to the best method to be taken to enable nature to renew the trees among these ancient woods on the waste?—I think there is only one way in which these old woods could be managed at all. The object should be to perpetuate these old woods, then you maintain the beauty and you grow trees too; and in my opinion this could be most easily done. The last thing in the world I should think of doing would be putting a fence round them. If you put a fence round those old woods the effect, as is instanced in many cases in the New Forest, is that the undergrowth is so dense that it becomes something worse than a jungle; so thick that any number of beaters beating, even if they had leather coats on, could not force their way through. Denny Wood will soon be an instance of that; it has been inclosed four years.

2731. Will you tell us what sort of under-wood you are alluding to?—I am alluding to briars, thorns, young oaks, young beeches, young hollies, and the produce of every tree that stands above the ground in the whole forest now.

2732. Will you continue the reasons that you were giving against using a fence for the protection of the old woods?—First of all, I say it would at once utterly destroy the beauty of the whole; if you did that, you would render the New Forest a series of open heaths and young plantations, and it would be about as ornamental as Aldershot, or its neighbourhood, at this moment. Then besides, I think it would be very easy to perpetuate these woods at extremely small cost without any fences at all. If you fence them, you would be reduced to this difficulty, which Mr. Clutton stated: what is the use of planting trees in Kensington Gardens under the old trees? There is absolutely none. I do not for a moment say that you can take an old wood in the New Forest and plant it with trees all the way through two feet apart, and expect that those should grow; but if you either encourage the thorns and the briars, and leave young forest trees to grow in thorns and briars, or if you go to the expense (it could be done for a penny a-head) of planting young oaks 3 or 4 feet high in all the shelter that could be found, you would immediately start with a very fair proportion of young trees. Then, as the trees get old, and get thinned from year to year, you can go on repeating this process, till in a very few years you have an entirely new crop rising.

2733. As a matter of fact, is it the case that young self-sown trees do spring up in the parts of the forest outside the plantations?—I say most decidedly yes, and I will give you three instances. The deputy surveyor has planted with individual trees a wood called Hollandwood; he has himself stated that nothing can be doing better than those trees. He has planted another part of the forest near Holmsley Station; nothing can be doing better than those trees. I, myself, near my place, have planted in the open forest, under the view of the deputy surveyor, and I will challenge anybody to find trees in any inclosure in the New Forest growing better, or as well as those trees do outside my fence.

2734. Have ponies and cattle full access to these woods you have mentioned?—When I planted these trees which I speak of, I dug little pitfalls for the commoners' cattle; I left little holes round the trees; the trees were sheltered

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Mr. *Couper-Temple*—continued.

one side by a gorse-bush; but in the course of a twelvemonth I found that was unnecessary, and with the remainder I planted them half-hid by a gorse-bush here and by a thorn-bush there, and sometimes almost exposed.

2735. When the tree rises above the protection of the gorse-bush or of the holly, is it not then at the mercy of the cattle or the ponies?—Yes it is, but they do not eat it; all that they do is to rub their heads against it to get the flies off.

2736. Do they find something more agreeable to eat than the leaves of these saplings?—There is plenty in the summer time for these cattle to eat. It is in the winter time when there is nothing to eat that they would be more likely to do mischief.

Colonel *Kingscote*.

2737. They do not eat holly?—They do not like it.

Mr. *Couper-Temple*.

2738. You do not perceive many of the cattle out during the winter months?—No, extremely few, and then never more than a quarter a mile or so from the owner's cottage.

2739. Are these places that you speak of places growing fern?—I tried another process. There is an old wood of about 30 acres near my fence, and I did not want it to get into the state which Mr. Clutton described. I wanted to get young plants to grow in this wood, and I found that I need not trouble myself about it; all I had to do was not to let my farm people mow this fern, and the consequence was, that after they had let the fern alone for a year or two, there was such an undergrowth of briar first of all, and then holly and thorn, and young oaks and young beeches, that although it is entirely open to the commoners' cattle, I am quite sure, in 30 years' time, it will compare with any place of the same style where trees have been planted.

2740. Then are you of opinion that the absence of young trees in many parts of the forest is owing to the practice of cutting fern, which at the same time destroys the trees?—Most unquestionably.

2741. Will you inform us by what right the fern is cut down?—The fern is cut within the view of the Crown servants, and they cut it by their own servants to sell it for profit, and the profit is extremely small.

2742. And practically is the fern cut wherever it grows luxuriantly?—Most decidedly so; every blade almost of fern is cut, and they want more then.

2743. Do you think that if that practice were abolished, the trees would renew themselves in those woods where they do not do so at present?—I am quite certain they would.

2744. Are the thorus and other bushes cut?—Everything is cut, as the deputy surveyor said, smack smooth every year, every September and October, as bare as this floor.

2745. Both thorns and other things?—Everything that will not blunt a man's scythe he cuts as hard as he can; till he comes to a stick that will hurt his scythe he cuts away everything.

2746. The deputy surveyor told us that he left off the practice of cutting fern because he found that the trees did not come up, and he suggested to us that some years ago the mice succeeded in eating up the acorns, and in that

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Mr. *Lovell*.

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Mr. Lovell.

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Mr. Cowper-Temple—continued.

way prevented the growth of the young trees. Do you apprehend any risk of that sort?—I have often heard that stated as having happened many years ago. All I can say now is (and the deputy surveyor himself admits it), that in all the inclosed grounds the undergrowth of young trees near clumps of old trees is something perfectly marvellous; the young oaks come up so thick that they absolutely touch. Only this spring I saw them cutting out oaks six feet or more high at the Heronry; they have to cut three out to save one; and why the mice should not have destroyed the acorns I cannot understand. It may be perfectly true that they did catch 20,000 mice in Lord Glenervie's time; all I can tell you is that these self-sown trees do grow; you can see them by the thousand in the Heronry and in the Denny inclosure.

2747. Do you think that the mice would only be attracted by a large quantity of acorns in a nursery, but that they would not trouble themselves about the acorns that fell into the ground naturally?—I have never been able to make anything out about those mice at all.

2748. Do you think that the access of cattle to these woods will be rather beneficial than otherwise to the picturesque beauty of the woods, by reason of their selecting some and leaving others?—The free passage of the cattle has precisely this effect: we understand in England the nature of a woodland; when fenced all round, it is very often filled with pheasants, and sometimes foxes, and the cover gets extremely thick and dense, so that you can hardly get through it. That is one sort of wood, an inclosed wood; if you go into a park, you see another sort of wood, trees standing separate, and you can move in and out among them and admire their beauty; it is a mass of trees with free passage and glades, and natural rides in every direction. There you have precisely the difference between an unin-closed wood, and one that is inclosed.

2749. Then although you think that cattle might be injurious to a plantation managed only for profit, you do not think that they are injurious to woods that are intended to give the effect to park scenery?—I think they are absolutely necessary for ornamental woods.

2750. To what extent do you think that the pasture in the thrown-out plantations is of service to the cattle of the commoners?—I think of extremely little service.

2751. Does not the herbage itself improve in these plantations compared with what there was on the land before the trees were planted?—The trees are maintained so thickly in all these new plantations, that there is not open space sufficient for good pasturage to grow.

Mr. Ernest Noel.

2752. Would that undergrowth that you spoke of in the inclosures which grow so densely as in a few years hardly to be able to be passed through, pay for cutting; would it have any value for cutting?—It seems somewhat extraordinary; but in Sussex I am told the undergrowth of woods is extremely valuable; in the New Forest it is of no value whatever, and you can get no money for it.

2753. I think you said that if the Act of 1851 was fully carried out, hardly any rights would be left to the commoners?—Yes.

2754. And yet you said, I think, also, that no

Mr. Ernest Noel—continued.

equivalent could compensate the commoners' rights?—Not the small commoners, certainly.

2755. But then that seems a contradiction in terms; if the Act of 1851, which is at present the law of the land, would have diminished the commoners' rights to almost *nil*, I cannot see how you can say that those rights are invaluable?—Well, it depends on the time; I say they are invaluable now, but if you allow all that huge area of the New Forest to be planted with trees as the Crown has the power to do now, I say we shall be planted out, and nothing will be left for us.

2756. Therefore, though the rights are valuable at this moment, the rights would not be valuable by-and-by, as I understand you?—Not nearly so valuable by-and-by.

2757. And therefore a very small amount would compensate them; if the right ceases at the end of a short period, the right cannot be so extremely valuable?—That is exactly what Mr. Cumberbatch states in his famous letter; that is what the Crown are aiming at.

2758. Then you mean that that will be the fact if the Act of 1851 is maintained?—Most decidedly so; we shall be left without our possessions.

Mr. John Stewart Hardy.

2759. What you maintain is that the Act of 1851 was not a fair bargain for the commoners themselves?—Most unfair.

2760. And do not you consider that the clause which the Crown calculated on as maintaining their forest rights was unfairly put into the Bill after the commoners had withdrawn from opposition to it; that whereas the deer were removed, they put a clause in by which they claimed the remainder of the forest rights after the case was over, and when the commoners were not represented?—The commoners were by no means represented at the time of the passing of the Deer Removal Act; they did not know their own position and their strength.

2761. With regard to this question of making small inclosures in the old wood, do you object to the Crown having the power of making small inclosures for the purpose of renewing the woods?—Most decidedly.

2762. Even if that were put into the power of the commission, and the commission were made more independent of the Crown?—I should object to its being put in the power of any commission unless the object was to ruin the beauty of the New Forest.

2763. You consider that by merely not cutting the brambles and bushes the forest would renew itself?—I do not say that it would renew itself; I say that it would perpetuate itself to a very fair extent; but if to that were added a few planted trees in the same way that Mr. Cumberbatch has planted trees, I think those woods might be made, in the course of time, very good.

2764. Would not the practice of not cutting the fern, and brambles, and so on, diminish the value of the pasture to a considerable extent, because they would spread over the adjoining pasture?—Not to any appreciable extent, I think. That process is going on now very largely, in North Bentley Wood, that is a wood that was planted under the Act of William III.; it is all oak; and since the deer have been removed the new growth of holly is perfectly marvellous; it is so thick that you would as soon think of riding through a gorse cover as of riding through it.

2765. That

Mr. John Stewart Hardy—continued.

2765. That could be met by sending men through with hooks and cutting it down, could it not?—The Office of Woods does not care to do anything that does not pay.

2766. But I mean in the future?—In time they will have to do something of the kind.

Mr. Ryder.

2767. Will you tell me what your scheme would be for adjusting the rights of the commoners and the Crown; have you any definite scheme that you would put forward?—I should say that the Deer Removal Act should be amended.

2768. But how would you amend it?—By limiting the power of the Crown to planting what is its fair share, and no more.

2769. And what would you consider to be the fair share?—I am not a valuer; something, I should say, very different from Mr. Clutton's estimate.

2770. On what principle would you arrive at it?—I think I must refer you to a longer head than mine.

2771. Then it simply would be the amendment of the Act that you would suggest?—The amendment of the Act which was passed in entire ignorance of the commoners' rights.

2772. Would you give the power of inclosure?—A valuation would prove, I think, that the Crown had already inclosed a great deal more, first as regards quality, and secondly as regards quantity, than it is entitled to; because I cannot believe that the right to keep 3,000 deer should be compensated for by 10,000 acres to be inclosed at once, and rolling powers to continue for ever.

2773. That is to say, you think it necessary to go back behind the Act to what you may call the equity of the case?—Yes.

Earl Percy.

2774. Do you think it would be a fair arrangement to leave in the hands of the Crown all those parts of the forest that are at present inclosed?—I think that if the valuation said that they were entitled to all that is planted they should be left in the hands of the Crown to be dealt with as timber land for the growth of timber. If the valuation said the Crown had not inclosed too much, I say the Crown might justly retain what it has planted, and keep it in hand for planting.

2775. You think that that would be fair to the commoners; you would make the whole arrangement dependent on the valuation?—Yes.

Mr. Alexander Brown.

2776. As I understand you, you think that the Crown got the best of the bargain in the Deer Removal Act?—Very much so.

2777. Do not you think it would be worth having some commission or court constituted, in order to maintain the forest as an open ground for the benefit of the public in continuation of the powers now held in the hands of the verderers?—If you mean with a view to manage it, I think that it ought to be a perfectly different management from what there is now.

2778. You think that the powers of the Verderers' Court are not sufficient?—I think that the Verderers' Court is completely unequal to the case.

2779. With regard to this fern which you have spoken of, is the right to cut fern, which is sold 0.100.

Mr. Alexander Brown—continued.

to the people in the neighbourhood for a small sum, a valuable right to them?—I think there is no right.

2780. Is it a consideration which is of value to them?—They all like their fern very much; it makes a very good dry litter; and it is a country where there is very little straw, and therefore they would not like to lose it.

2781. It is one of the advantages which they happen to have from living in the neighbourhood of that forest?—An accidental advantage; they have no claim upon it.

2782. Still it is an advantage?—Yes. I like to use it myself, and I cannot get as much as I should like to get.

2783. One of the proposals before the Committee was that the fence month and the winter heyning should be abolished; do not you think that if cattle were to run through the forest during the whole of the winter they would be much more likely to damage the trees in the uninclosed portions of the forest?—I have frequently noticed the cattle in the winter time; there are very few turned out; it does not pay any farmer to turn out cattle in the winter, as there is nothing for them to eat; there are a few turned out, but they never stray far; they are taken away at night, and always look forward to their home fodder which they get in the afternoon. Therefore in the open forest no damage would be done by cattle in the winter time.

2784. You stated that the effect of the Deer Removal Act was to injure the pasturage; is that because it is a rougher kind of grass in the new inclosures that comes up, or how is it?—The new inclosures which are thrown open, generally speaking, are nearly choked with briars and thorns. It is very difficult for cattle to get through, to begin with; and in portions there are drains very difficult for them to get over.

2785. In the part not inclosed is the pasture depreciated by the removal of the deer?—I think the deer did a great deal of good to the pasturage, for the same reason that farmers pay for ponies to come in the winter time to eat down the rough grass in their fields; and the deer did exactly that.

Colonel Kingscote.

2786. I think you say that the Crown, in your estimation has exceeded its rights since the Deer Removal Act was passed?—It has not exceeded its right of planting; it has not planted yet what it is entitled to plant, not nearly.

2787. Do I understand you that the management now is different from what it was when you first went into the forest in 1849?—Entirely so.

2788. And what you complain of is, that a great deal of the old wood has been cut down since or about the year 1857, since the Deer Removal Act; there was no destruction, as you would say, of the old wood before that Act came into force?—I go back to my own memory; before the year 1847 or 1849 the management was totally different, and it was the most beautiful woodland in the world, the most beautiful intermixture of timber and open spaces that you could possibly find. Then an entirely new management commenced.

2789. Was the management which there formerly was, excellent for the pocket of the nation to return something, or was it excellent merely as leaving the forest *in statu quo*?—I did not say that it was excellent management; I said that it

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Mr. Loxell.

18 June
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Mr. Lovell.

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Colonel Kingscote—continued.

was totally different. I do not want to criticise what happened before I went there; the forest remained as it had done for centuries before.

2790. But since you first went into the forest, I suppose you have seen a very great increase in what will eventually be good and fine timber?—Yes.

2791. In fact, do you consider that there is more valuable timber in the forest now than there was when you first went there?—There is an enormous amount of land planted with timber, which in course of time will be extremely valuable.

2792. You possess common rights, do you not?—Yes.

2793. To what extent?—Pasturage, pannage, and right of fuel; I think that is all I have got. There are one or two rights that I do not possess, but I possess all those.

2794. And do you exercise those rights?—Very largely; to the full.

2795. What do you think would compensate you for these rights; giving you so many acres, or what?—I do not think anything that you can give me would compensate me; I would rather have my rights.

2796. You have heard of the proposals which have been made since this inquiry has been going on, to the effect that the Crown should retain 20,000 acres of inclosure; do you think that that would render more difficult, or, perhaps, prevent the public, yourself, and your friends, for instance, getting about the forest?—Not if it were arranged that these should be kept as woodlands only.

2797. That is with fences round them?—With fences round them as they are now.

2798. Would you like that the ancient woods should be fenced securely, the only access for the public being through lodges?—I think I should be inclined then to go and live at Twickenham, or some such place.

2799. I think I understood you to say that you would not like to see the relations between the Crown and the commoners separated?—No; I think there is no occasion.

2800. But you have nothing to suggest, have you, in the way of making things go more pleasantly; the improvement of the Verderers' Court, you think, should be effected?—Yes; a great alteration in that.

2801. You have never been a verderer, have you?—No.

2802. Or on the commission?—No, nor on the commission.

2803. You are a justice of the peace?—Yes.

2804. And what do you consider to be the character of the inhabitants. We have heard a good and a bad character given to them?—I should say that they were a remarkably orderly good set of people, and that no better class of men are to be found in Hampshire or Dorsetshire, or any of the neighbouring counties.

2805. Can you say whether labour is cheaper with you than in the surrounding counties?—It is a good deal dearer than it is in Dorsetshire; there has been a considerable rise in the price of labour with us.

2806. A great many of the labourers, I suppose, are small commoners?—A great many are.

2807. And therefore they ought to be in a better position than other labourers, I suppose?—Yes.

2808. Because their rights of common are

Colonel Kingscote—continued.

worth something to them?—Yes, they can cut their turf in the evening, and do a day's work with their carts, if they have not any employment. They do a great deal better than they would if they had no common rights.

2809. These rights are exercised to the full, I suppose?—Yes.

2810. Do you observe a laxity on the part of those who should look after it, in allowing too many ponies, and so on, in the forest?—That is a difficult question to answer. As a commoner, I should like to see no cattle in the forest but those of persons who have a right to have them in the forest. Unfortunately our Verderers' Court has no power whatever.

2811. Supposing you had the power to turn out five head of cattle, would it be taken any notice of if you turned out 10 or 15?—No notice would be taken of it.

2812. And is it the same with pigs?—The commoners may turn out any number of pigs.

Lord Henry Scott.

2813. Is there plenty of fern in the open land of the forest, other than that growing amongst the trees, which could be cut without injury?—No, not in the open forest; there is a good deal in the plantations which have been thrown out, and in the new plantations which have not been thrown out.

2814. And that might be cut without detriment to the timber?—Yes, and it is so now.

2815. Your complaint, with reference to the Act of 1851, is rather of the manner in which it has been carried out than of the extent to which it has been carried out, as I understand?—It has not been carried out to its full extent yet; I complain very much of the manner in which it has been carried out.

2816. You mean by taking the best lands for inclosure?—I think I had better refer to Mr. Cumberbatch's letter; they have carried out precisely the principle laid down in his celebrated letter.

2817. When you said that the commoners could receive no compensation equivalent to their rights, you meant in the event of inclosure, did you not?—In the event of a general inclosure, no compensation of any kind that could be given to the commoners could at all make up to them for what they would lose.

2818. You think if they got money they would spend that money, and if they got land they would sell that land to their richer neighbours?—Yes.

2819. Do you remember fence month being enforced in the forest?—I have been there 29 years, and I have never yet heard of it; nor, so far as I can hear, was it ever exercised.

2820. Not even when the deer were there?—Not even when the deer were there.

Colonel Kingscote.

2821. Was it not contemplated, when the foot-and-mouth disease was about, to exercise the right of fence month?—I never heard of it.

Lord Henry Scott.

2822. With regard to the inclosures that are thrown open, are the ditches a great obstruction to passage through them?—The inclosures that have been thrown open are only partially drained, not to a thousandth part of the extent of what the more recently inclosed plantations are.

2823. And do you find the ditches very great obstructions

Lord Henry Scott—continued.

obstructions to passage through the inclosures that have been thrown open?—Yes, the ditches are a very great obstruction in every sense.

2824. And would they, do you think, be as bad in the inclosures which are not thrown open?—Infinitely worse; 50 times worse.

2825. Are they greater in number?—They are a thousand times greater in number; they are over the whole face of the earth; these new plantations are like regular gridirons; the ditches are dug about the width of this room apart, and not content with that they throw all the earth on to one side only, so as to make a sort of bank as well, and that covered all over with heather and briars and gorse makes it absolutely impassable.

2826. How have the inclosures affected the highways and trackways through the forest?—Most seriously, in every direction.

2827. There are very few of them left, I believe, through the great blocks of inclosure?—The deputy surveyor has stated that when he came to the forest he found the forest a network of tracks, and so the maps show, and I entirely endorse this statement. I do not say that all these tracks are absolutely necessary, but I say that some of these tracks must have been necessary, and they must all have been used largely, and some of them must have been necessary for the convenience of the people. If you look at the map, you will see that there is a range of inclosure from there to there (*pointing to the map*), that is four miles long; it bars the whole of my way, and the way of the people of Brockenhurst, to Salisbury and Fordingbridge. On one particular occasion I was riding home, and I arrived at that spot (*pointing it out*) late in the evening, and finding the gate locked, I took it off its hinges to pass through. A few days afterwards I wrote to claim a right of way, as there was a well-defined track there which I had used for many years. Having done that, the Crown brought an action against me, and after resisting it for some time, I found it would not pay me to go on fighting the Crown, and so I allowed the matter to go by default. Again, there is a mass of plantation from here to there (*pointing to the map*), 10 miles long, from Brockenhurst to Bramshaw. To begin with this block here (*pointing to the map*), there is only one drift way left through it, and that was left at point (*pointing to it*). The ground is so deep that you can hardly get through it for a great part of the year, and it is so narrow, and gets so much trodden in by cattle, that it is as much as you can do to get through it in winter time under any circumstances; and it (*pointing to it*) is so indirect that it does not at all help one to get to Lyndhurst-road station. Again, if you do go on here (*pointing to it*), you are stopped by this proposed inclosure (*pointing to it*). If you turn to the left there are two impassable bogs here (*pointing to the map*). These white portions of the map are the portions which Mr. Cumberbatch said were covered with a network of tracks; and so they are; but wherever those tracks run into an inclosure there the right of the public is barred, first of all by a gate, and then you get into a series of rides in these inclosures which were made by the deputy surveyor for the benefit of the inclosures. The right of way, therefore, is barred.

2828. I understand that the gates are not locked in the inclosures during the winter, are they?—In some inclosures the gates are locked
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Lord Henry Scott—continued.

during the spring, summer, and autumn; some are not locked so much, but they are all locked at some time or other in order to maintain the right to exclude the public.

2829. You have said that they are locked in some cases during the whole of the summer?—In certain parts they are not generally locked.

2830. But they are locked for some time in other places?—In other parts; here, for instance (*pointing to the map*), they are locked from April till October or November.

2831. Keys are given to some persons, are they not?—I believe keys are given to some persons. I have a key; but I never heard of a poor commoner being given a key.

2832. Or the general public?—I never heard of anyone of the general public having a key.

2833. With regard to the gravel roads in the forest, is the expense of maintaining those roads very considerable upon the neighbouring proprietors?—Many of these roads, although they are largely used by the public and the Crown timber carts, are maintained at the expense of private individuals. I myself maintain about three miles of road; other gentlemen, I know, maintain a very much larger amount of road.

2834. Mr. Clutton has stated to us that he considered it a disgrace to keep 60,000 acres of land as it is in the New Forest; what do you say to that?—I will leave the public at large to reply to Mr. Clutton's remark, but I think that they and this Committee also will agree with me that the New Forest, as a whole, is one of the most beautiful districts remaining in this country, and indeed the only one of its kind in England. This is owing to its varied character, and to the intermingling of open heaths, undulating ground, and old woods, scattered over it in all parts. Unless it is preserved in its integrity and unity, as a whole, it will be destroyed as an object of great national value. an object of value as great as exists in any work of art, although the New Forest is one of nature. If Mr. Clutton alluded to the plantations, the only real disfigurement of the Forest, he and the office of woods have made these. If he alludes to the old woods, but half remain of what I recollect when I came to the forest. If he means the open lands remaining, there are heaths of which he and Mr. Cumberbatch have said 30,000 acres are worth but little, and would starve a Scotch fir. Nevertheless, the heaths seem to give a surpassing beauty to the whole, are of benefit to health in a densely wooded country, as this must always be, and provide fuel as valuable, or more so, than coal to the poorer population.

2835. In regard to the action of the Commissioners in inclosing the woods, do you think that on this Commission the Commissioners of Woods are all powerful?—I say that Mr. Howard has the power of appointing and dismissing the great majority of the Commission.

2836. When these inclosures were made, was there any publicity with regard to their being made, or can you give us any example of an inclosure made, or proposed to be made, when the inhabitants in the neighbourhood had not any idea whatever of their being proposed?—Perhaps I had better state what happened on a particular occasion as an instance. In October, 1866, I suddenly heard that the Inclosure Commission was to sit for the purpose of inclosing many thousand acres of land. Nobody knew
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Mr. Lovell.

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Lord Henry Scott—continued.

what those lands were, or anything whatever about them, and the Commission was to sit in two days' time. I immediately wrote round to many of my friends who were commoners, and begged them to meet at Lyndhurst on the same day, but two hours before the time. They did so, and they chose a deputation consisting of Lord Normanton, Sir Henry Paulet, and myself, and requested us to wait upon the Commission to urge objections to their proceedings. This we did; and what I am about to mention will show exactly the way in which up to that date all the inclosures had been made. After we had stated our objections to the general proposal, and our business was at an end, a plan was laid upon the table to inclose a particular plot of land named Hawk Hill to which I, who was only there by accident, made this objection: I said that that inclosure would have a very important effect upon the whole village of Beaulieu, and all the south-eastern district of the forest, that the only good pasturage in the neighbourhood was included in this inclosure, the remainder being bare sandy open heath not worth a farthing. This inclosure therefore would have included the only pasturage from which the cattle in this neighbourhood could get feed. It would also materially interfere with the rights of way of those people who from time immemorial have had a passage north and south, as well as east and west, through the proposed inclosure. I stated to the Commission that not a single individual commoner had any idea that they thought of inclosing that spot. I saw on the Commission about eight or nine gentlemen, and only two persons who had probably ever seen or heard of that spot, and I said that I could not consider it reasonable or fair that that spot should be inclosed without the knowledge of some of the local commoners, who alone could understand what the rights of way were and what the pasturage required was. I was there solely and entirely by accident; and having made these remonstrances the Commission agreed to adjourn this particular inclosure.

2837. I suppose if the commoners had not had the benefit of your casually becoming acquainted with what was taking place, that inclosure would have passed and been made, and a great injury would have been thereby done to the inhabitants without their knowledge?—Yes, undoubtedly.

2838. Do you think that there are other instances in the forest of a like nature?—I think up to that period every inclosure had been made in the dark; and I think on that same day all the subsequent inclosures that were going to be made were treated in the same way; because I remained in Lyndhurst, and not a single commoner was asked as to any one inclosure.

2839. Since that there has been more publicity, has not there?—The Commission after that passed a resolution that, for the future, a month's notice should be given, and plans and specifications published in the newspapers, and I believe since then that has been carried out; but that does not apply to all the highways stopped previously, or all the inclosures made previously, which affected the commoners in any district.

2840. I have one question to ask you with regard to the inclosures that have been made since 1855; I think you said generally that nearly all the trees that were growing on these inclosures before they were made were felled?—In all the inclosures that were made from 1855,

Lord Henry Scott—continued.

except the two instances of Knightwood and Deane Slough, on which there were only a few old trees standing, all the trees have been cut smack smooth except one clump in Wood Fildley, and one at Puck Pits, and some trees on Bolder Wood Hill, which in my opinion ought never to have been enclosed at all. The rule was invariably to cut everything smack smooth.

2841. I suppose we may take it that Denny Wood is the only wood that has ever been inclosed as a whole and left standing?—Yes.

2842. Then you would not bear out Mr. Howard's statement to us that he has not cut the ornamental timber in the inclosures that have been made since he has been in office?—I should say that Mr. Howard's statement was the reverse of the fact.

2843. I think when Denny Wood was spared, it was about the time that Mr. Fawcett's resolution was passed in the House of Commons?—Yes; I have always fancied that it was spared in consequence of Mr. Fawcett's resolution.

2844. Is there anything that you can suggest to the Committee as a remedy for the state of things which has arisen in the recent management of the forest?—To put the management in different hands, and have a new mode of electing the verderers.

2845. Would you confine that election to the freeholders of the forest?—Yes; I should certainly not go beyond the forest.

2846. You mean the freeholders connected with the forest, and who have forestal rights?—Freeholders connected with the forest holding forestal rights.

2847. Do you think that anything can be done with regard to the Deer Removal Act; would you recommend that it should be amended in some way or another; I do not ask you the way in which you think it ought to be amended, but do you think that it should be amended?—I think it is impossible to go on with the Deer Removal Act in its present shape.

2848. Is it on this principle that you would propose its amendment, that the Legislature never could have meant to pass an Act which would have the effect of extinguishing the commoners' rights?—I should think certainly it never could have meant to do that.

2849. And on that ground, on the ground of equity, you think that something should be done?—Most decidedly.

2850. I understood you to say that from your own experience of having planted trees yourself in the open forest, you think a considerable crop of timber might be raised in the open forest by the planting of individual trees?—I am quite certain it could be at an extremely small cost, and with great benefit to the nation.

2851. I suppose if just an acre here and an acre there were temporarily railed off for the purpose of growing young timber, that would assist it very much, would it not?—I should say not an inch of the old wood should be so enclosed.

2852. You think not?—Certainly not; that is the last thing in the world that ought to be done.

2853. Do you say that on the ground that if inclosed it would get so filled up with undergrowth as to become impassable?—Yes, and also that it is not required.

Chairman.

2854. You have a great admiration for the forest?—Yes, more than anything else I know in England.

2855. Do

Chairman—continued.

2855. Do you find that admiration shared by persons who come from a distance?—I do, by all classes and by politicians of all parties.

2856. Are there many picnic parties to the forest?—There are constant picnic parties and parties of pleasure to the forest.

2857. Do they come from a great distance, or from the neighbouring towns?—They come from Christchurch, Bournemouth, Ringwood; in fact from all the neighbouring towns round, and very largely from Southampton.

2858. Southampton is some distance from the forest, 20 miles, is it not?—Yes, but they come; and one day I saw all the linendrapers of Southampton come in a body, with their wives and children.

2859. They get across from Southampton by Beaulieu, do they not, and Hythe?—Yes, and by the railroad too.

2860. Have you considered any proposals under which, without separation by statute, the portion of the forest applicable to pasturage might be dealt with as a regulated pasture, and the woods and the inclosures for growing timber might be reserved to the Crown for the purpose of growing timber?—Do you mean in severance?

2861. Not in legal severance, but in actual severance?—Under fence, may I ask.

2862. Perhaps it might be necessary to fence in some cases?—I have considered that matter, but I have always considered it would be destruction and ruin to the forest.

2863. You think that it would be impracticable to carry out any arrangement of the kind which would respect the rights of both parties, and prevent the misunderstandings which have arisen during recent years?—I am quite sure that if you gave the Woods and Forests the power to deal with any portion of the forest in freehold, they would immediately make use of it for every conceivable kind of abomination.

Chairman—continued.

2864. But it is conceivable that the Woods and Forests might be restrained from using it for any other purpose than for the purpose of growing timber; would you object to a proposal under which they should have the right to make use of this land without the intrusion of the commoners' cattle, for the purpose of growing timber only?—I should be exceedingly sorry to give them any power whatever; they have a great deal too much already. In every instance, what I see is that they have invariably done everything they possibly can to mar and spoil every point of beauty in the forest. Where they have planted they have formed their inclosures with some sharp and hideous angle in every direction; and by making them contiguous for miles, they have stopped our rights of way, and freedom of movement; and I should say that they have done everything they possibly could to carry out Mr. Cumberbatch's letter, that is to say, to depreciate the rights of the commoners.

2865. I think you are a member of the Association, are you not?—Yes.

2866. Have the Association ever tried the question of rights of way with the woods and forests?—It was tried in my person.

2867. You stated to the Committee just now that you had removed a fence which subjected you to an action at law, and that you thought it better on the whole not to defend that action. I want to ask you whether the Association on behalf of any individual has at any time tried the question of right of way in the forest?—I do not think so.

2868. The claims which residents in the neighbourhood make of a right to pass along ancient track ways, which have been inclosed, have not been submitted to any judicial tribunal?—Legal opinions have been taken on both sides I understand, but they are totally at variance.

2869. But they have not been adjudicated upon?—They have not been adjudicated upon.

Mr. Lovell.

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Mr. CHARLES PINK, re-called; and further Examined.

Lord Henry Scott.

2870. I BELIEVE that you wish to hand in an answer to Sir William Harcourt's question as to valuation, which you were not able to answer at the time that he put it?—Yes. This is the answer I wish now to give to his question: 25 l. per acre, the value of timber at 30 years, is equal to 9s. per acre per annum, nearly. This is taking for granted that all the wood at the expiration of 30 years would be of the value of this best acre. Taking one-fourth of this growth in an open forest it gives 2s. 3d. per acre, and taking one half, it gives 4s. 6d. per acre as against 2s. 9d., which is exactly the mean, and I think fairly represents the annual natural growth of timber

Lord Henry Scott—continued.

under fair conditions of being preserved by the growth of hollies, thorns, etc.

2871. Then there is a correction which you wish to make, I believe, in what you stated to us just now in regard to the quality of Fletchwood. In making the calculation that you made then, did you intend to say that it was of the average quality of the whole forest?—No, I expressly said that it was the average quality of the timber-growing forest, because I applied the 2s. 9d. to the 10,000 acres. Therefore, there could be no mistake as to what the meaning of my answer was.

Mr. Pink.

Tuesday, 22nd June, 1875.

MEMBERS PRESENT:

Mr. Alexander Brown.
Sir Charles Dilke.
Lord Eslington.
Sir William Harcourt.
Mr. John Stewart Hardy.
Mr. Ernest Noel.

Earl Percy.
Mr. Rodwell.
Mr. Ryder.
Lord Henry Scott.
Mr. William Henry Smith.
Mr. Cowper-Temple.

WILLIAM HENRY SMITH, ESQ., IN THE CHAIR.

Mr. FRANCIS COMPTON, called in; and Examined.

Mr.
Compton.
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Chairman.

2872. I THINK you are a Barrister, are you not, and a Member of Lincoln's Inn?—Yes.

2873. And have you an intimate acquaintance with the New Forest?—Yes, I have lived there a great deal, indeed all my life.

Lord Henry Scott.

2874. What was the position of your father in the New Forest?—He had a property in the north-east of the forest; that yellow piece on the map, surrounded by the forest, and he was a verderer, and took great interest in the matters of the forest for many years.

2875. And your brother is now an owner in the forest, is he not?—He is.

2876. Of the manor of Minestead?—Of the manor of Minestead.

2877. Is the acreage a little over 2,000 acres?—The whole acreage is about 2,000 acres, I believe, but there is a great deal of it waste, I think about 600 acres of it waste.

2878. I need not ask you, therefore, if you are particularly well acquainted with the New Forest?—Yes, I ought to know it very well indeed.

2879. You know it, I suppose, but physically, I may say, and also as regards the population?—Yes; I have seen a great deal of the population, and more particularly of the smaller commoners and freeholders; I have talked to them a great deal all my life.

2880. Are there a great many small freeholders in the forest?—There are a great many small freeholders, and a great many small tenants. I think the Committee can see the number of all freeholders merely by looking at this book of claims, published by the Commissioners of Woods: I think you will see there 1,300 claims of rights of common; but by far the greater portion are for very small holdings, one acre, two acres, up to 15; it certainly would be satisfactory to the Committee to see in that book of claims an official record of the number of small freeholders which still exist there; and, besides the small freeholders there are a great number of small tenants. Taking that property of my brothers, for instance, the number of claims sent in in

Lord Henry Scott—continued.

1854, practically for about 1,000 acres, was between 90 and 100; very small holdings indeed.

2881. Were the greater portion of those sustained before the Commission?—Yes, I think they were all sustained.

2882. There has been some complaint, has there not, generally throughout the forest that the small freeholders, from want of knowledge, were not able to sustain their claims before the Commissioners?—Yes, there has been a good deal of complaint amongst the small men in that way. What happened in 1854 was this: that the Commission sat, and the big landowners came there provided with their claims in order, and with counsel and solicitors, and the Office of Woods came similarly provided, and objected to every claim, and the effect was that a great many small men failed to substantiate their claims; a great many of the smaller men who were entitled to rights of common lost them, from their own neglect, no doubt, but still they thought it rather hard that the law should be put in force so severely against them.

2883. With regard to that Commission, perhaps it may not be in your recollection, but was it not stated, when the clauses were put into the Bill of 1851 for ascertaining the rights of the commoners, that the Crown would be indifferent to these claims?—I do not know how that was. It certainly has not been so. The Woods and Forests appeared there with their legal advisers, and objected to every claim; and the Committee will see, if they look at this book, what a number of small claims were disallowed.

2884. In fact it came to this, I suppose, that everybody had to sustain his claim against the objections made to it?—Yes, and the Commissioners called upon everybody to substantiate their rights to common, and if they did not substantiate their rights, they were disallowed as a matter of course.

2885. You are acquainted, I daresay, with the character of these freeholders, are you not?—Yes, I know many of them very well indeed, and talk to them a great deal, and cannot help knowing a great deal about the character of the population

Lord Henry Scott—continued.

population. I think this has been stated by others, but, speaking from my own experience of them, I may say that these small freeholders and small tenants are a most respectable class of men. They live on their small holdings; they work in the forest at wood cutting at different times, and sell things in the neighbouring towns, and they are a class which I should think the Committee would be very sorry to see extinguished; a very good class of men indeed, and a very large class.

2886. And with regard to the smaller farmers, the tenants of smaller farms which have common rights, I suppose that the value of the common rights to them is of very great importance, is it not?—Well, I have turned my attention a great deal for the last few years to what would be the effect of the extinction of, or any serious interference with, common rights upon the small freeholders and the small tenants, and I think there is no doubt that those who considered the matter would come to this conclusion, that any serious interference of that kind would simply extinguish the whole class. As it is now, a small freeholder lives upon five or six acres of land, and he keeps a cow and a mare and breeds a pony, and is enabled by means of his forest rights to do that; I am perfectly certain that if he lost his forest rights, even if he got compensation for them, he would disappear off the face of the earth. And in a similar way with regard to the small tenants; if you took away the forest rights or made them useless by inclosing all the land round, these small tenants would disappear; the landowners would be obliged then to let their farms on a much larger scale; nobody could afford to live and pay rent on holdings of five to ten acres. I do not think that it would be a very bad thing for the large landowners; certainly in many respects it would not. What would really happen would be this, that all these small freeholds, little angles, which now interfere with larger estates, would have to be sold, and the large landowner would be left in this position, he would have some large farmers under him instead of a great many small ones, and he would be able to buy up all the small men; and if he got compensation for forest rights, he would not only bring his estate into a ring fence, but make no bad thing of it. It would come to this, that the large man would simply absorb the smaller men.

2887. I suppose you have, to a certain degree, seen that that has been the result of inclosures in other parts of England?—I believe it has; I have no special knowledge. I am sure it would be the case here.

2888. Then I suppose the results, so far as the value of the rights of these freeholders and tenants goes, would be the same if they were planted out?—If their rights were seriously interfered with by plantations inclosing them, then that would have nearly the same effect as depriving them of their rights. It would not be worth while for them to turn cattle out into the thrown out inclosures, and if they had any great distances to go the rights of pasture would be nearly worthless.

2889. In fact, it would be virtual inclosure without compensation?—Yes, of course they get no compensation then.

2890. They would be even worse off than if there was an inclosure with compensation?—Yes.

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Lord Henry Scott—continued.

2891. Then, as a class, you are willing to testify to the excellence of their character generally?—Yes; they are a class which no doubt the Committee are aware, is very uncommon in England now, and it seems to me that they are a very respectable class.

2892. The tenants are something like the good yeoman class, I presume, and the freeholders are a sort of peasant proprietors, which they could not be without forest rights?—No, they do not often rise above that condition, and seldom, if ever, fall below it.

2893. Have they expressed, so far as you know, much dissatisfaction with the inclosures which have been made?—Yes, they are very much dissatisfied with what has been done since 1851. They are dissatisfied with these inclosures being set out without their having any voice in the matter; all they know is that a certain number of Commissioners go and sit at Lyndhurst and set out inclosures which very often very seriously interfere with their enjoyment of their rights; they find a great piece of land inclosed cutting them off from the pasture, and they have had nothing to say to it, and I think they are dissatisfied with what they hear of the proceedings of the Commission for setting out inclosures. They believe that the Office of Woods settle upon a particular tract of land for inclosure without any regard to what may best be spared by the commoners, and that the Commissioners are over-reached by the Office of Woods; that these gentlemen go there, and the Office of Woods tell them that they must set out so much land, and that not being able to deal with a Department and a good deal of official knowledge, they have been so subservient to the Office of Woods that they have not consulted either the interests of the public or those of the commoners so much as they ought to have done.

2894. And I suppose, to a certain degree, your own opinion would concur in that, would it not?—Well, I am afraid it is so. These gentlemen are, many of them, friends of mine; and I hope they will not take it ill; but I think they were over-reached by the Office of Woods, certainly in inclosures made under the Deer Removal Act; I think they were, practically, told that they must set out for inclosure land fit for growing oak, in fact, the best land; and they did not take into consideration the power that they had under the Deer Removal Act, of setting out land which was fit for the growth of other trees besides timber trees.

2895. In fact they have not taken into consideration that, whereas, under the Act of William the Third, they were obliged to take oak land alone, by the Act of 1851 they were allowed to grow other trees, so that they could take land of less good quality?—No. I think the Office of Woods selected the best bit of land they could think of for inclosure; and with few exceptions it was agreed to as it was, the Commission not being ready with any alternative plan; and, no doubt, they did very much what they were told by the Office of Woods.

2896. In fact, I suppose you would agree that the view which was expressed in what is called Mr. Cumberbatch's celebrated letter has been carried out?—Yes; these small men certainly believe that since 1851 the Office of Woods, with a view to an inclosure, which was thought for many years to be imminent, did do their very best to enhance the value of the Crown property, in making

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making use of the provisions of the Act of Parliament for that; and with a view of diminishing, as far as they could, the common rights; so that, in the event of an inclosure, those common rights should be of less value as compared with the share which would be given to the Crown. They believe that. No doubt, Mr. Cumberbatch's letter was made very public, and they connect that with what they see of the policy of the Office of Woods; and they certainly believe that. Every one of them would tell you the same thing.

2897. That letter, I suppose, might very well be taken as the recommendation of a public servant who wished to do the best for his employer; but it assumes, I suppose, rather a different character when the employer endorses it himself, does it not?—I do not know that my opinion is worth anything about that; but, of course, these small men observe that this letter was made public, and that it is a sort of declaration of policy which has never been repudiated by his superior.

2898. I suppose you have known about fence month and winter heyning, have you not?—Yes. My father had a great deal to do with what took place in the Bill of 1851; at that time I did not take much part in it, but since that time I have helped him a great deal, since I have been called to the Bar, in his dealings with these different offices with regard to that. I have heard it stated here that the Act of 1851 was the result of a bargain made between the Crown and the commoners, in which my father and Lord Malmesbury appeared to represent the commoners. I am quite sure that nothing of that kind occurred. My father was a verderer, and had the strongest opinion that, as a verderer, he had no right to take a partisan line alone, and that he was bound by his oath, as a verderer, to do his best for both the Crown and the commoners; and I am certain that he never could have appeared as a partisan for one side.

2899. Could you tell us whether when the right to keep deer was given up by the Act of 1851, he believed that the rights connected with the deer went with it?—He believed, as everybody else did after hearing what Mr. Gardiner and Lord Seymour had to say, that all that the Act of 1851 did was to abolish the deer, and to abolish the forest law connected with the deer, including, of course, fence month and winter heyning; keeping by that seventh clause the forest law in all other respects, but that all the forest law connected with the deer ceased with the cessation of the right to keep deer.

2900. In fact, he was very much devoted to the idea of a forest, and did not wish to see the forest, as a forest, disappear?—Yes; and so far from his thinking, or anybody thinking, that fence month and winter heyning was still preserved, in the year 1861 (I think it was) he and another verderer ordered a drift of the forest during fence month, and the Crown officials refused to allow their servants to drive; and we went and got the opinion of Mr. Montague Smith on that very point, as to whether the decision of the Commissioners of 1854 about the fence month and winter heyning was not *ultra vires*. The impression that we all had then, was that with the cessation of the right to keep deer, the forest law connected with the deer had ceased also, and the Commissioners had no power to enforce the fence month and winter heyning; but Mr. Montague Smith, who was an excellent

Lord Henry Scott—continued.

lawyer, gave a very decided opinion that it was within their power, and that the Commissioners were quite right in deciding that under the Act of 1851 the commoners had no right in the forest during fence month and winter heyning.

Sir William Harcourt.

2901. Do you happen to have that opinion?—I can send for it.

Lord Henry Scott.

2902. I think nobody will contend that there is any doubt that the forestal rights of the Crown in that respect are saved?—Since Mr. Montague Smith's opinion, we have had no earthly doubt that the effect of that Act was to preserve the forest law connected with the deer, and we still think so.

2903. I suppose, at the time of the passing of the Bill of 1851, the commoners had nothing to go by except Mr. Gardiner's own interpretation of the seventh clause, which he gave to the Committee?—I do not know that the small commoners went very accurately into those matters, but they believed that when the deer went all forest law connected with them went too; and they were very much dissatisfied when forest law was enforced afterwards; they thought that they were hardly used.

2904. But the verderers thought that the Forestal Court was saved, and other forest rights of the Crown, whatever they might be?—Yes, there is no idea that forest laws, other than those connected with the deer, were interfered with by the Act of 1851.

2905. They remained as they were?—They remained as they were.

2906. I think you have given some attention, have you not, to the extent of the rights of common in the forest?—Yes, I have paid a great deal of attention to the question, what was the actual effect upon the small freeholder or small tenant, of having forestal rights. I have talked to a great many of them, and I think I made this out very satisfactorily, that upon a small piece of five to 10 acres which was kept, I do not mean farmed in the ordinary way, but kept as many of those pieces are, for pasture, for the purpose of turning out in the summer and maintaining the cattle in the winter, levancy and couchancy, a small man might keep rather more than a cow an acre in that way.

Sir William Harcourt.

2907. You mean per acre of the land that he had in cultivation?—Yes; that he could get hay and grass enough on it to keep the cow in the winter, when he turned the animal out in the summer. I mean land that is kept for that very purpose, and that purpose only, of which there is a good deal.

Lord Henry Scott.

2908. About an acre and a half to a cow?—About a cow an acre, as nearly as we can make out.

2909. What is your own view of the present position of affairs in the forest as regards the inclosures?—In what way?

2910. I want to know whether you think that a great extension of inclosures in the forest would have the effect of destroying the rights of the commoners?—I think that perhaps the Committee had better get it from the men themselves; they

Lord Henry Scott—continued.

they are more able to say what the effect would be.

2911. I suppose you are acquainted, are you not, with the old woods, the ornamental timber in the forest?—Yes.

2912. And I suppose they have been very materially diminished in your time?—Yes, immense tracts of it have been cut down and replaced with fir-trees in rows.

2913. And with regard to that which remains, do you see any deterioration in its character?—If you speak of the old woods, no.

2914. Do you know Savernake at all?—Yes, I have been more than once over Savernake Park.

2915. Have you been there at all lately?—Yes, I was there three or four days ago.

2916. Is there a large stock of cattle and deer kept in that forest?—Yes, there are a great many red and fallow deer, and cows and ponies, a very great quantity of them.

2917. And did you at all observe whether there was much young timber growing up in Savernake Forest?—In one part of the park there is a great quantity of oak about 25 years old; it had all evidently been planted at the same time.

2918. Could you form any opinion as to whether that was natural growth or not?—I should say it was not; I have no doubt it was planted. All the trees were the same age in that part of the park.

2919. But it was not inclosed?—No, it was not inclosed.

Earl Percy.

2920. With regard to the portions of the forest that have been selected for plantation, do you think that they have been selected so as to interfere with the rights of way?—I think they merely picked out the best bits of land for timber, and took the chance as to whether they crossed roads or not.

2921. What has been the effect?—You cannot look at that map without seeing that inclosures of miles together interfere very much with the rights of way; they lock the gates in the summer.

2922. Do you look upon that as a serious interference with the rights of the commoners?—They complain of it a great deal, that they cannot get across.

Mr. Rodwell.

2923. You have a list, I understood you to say; what is the number of commoners there?—This is the official list published by the Commissioners, who decided upon the claims of rights of common in 1854, Chief Justice Coleridge, Mr. Gale, and Mr. Barstow.

2924. I understood you to say that there are a great number of small commoners?—A great number.

2925. I suppose you cannot give us the exact number, for instance, of commoners who hold under 10 acres?—I believe that has been handed in to the Committee already.

2926. Your opinion, as I understand, is that if any compensation were to be given to these commoners in respect of their small holdings, that is, to give them, for instance, an acre of land, or whatever it may be, it would practically sweep them away?—I am quite sure it would.

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Mr. Rodwell—continued.

Neither there nor anywhere else can a small man live on five or six acres of land; and if you gave him an acre or half an acre more, that would make no difference, he would simply have to go.

2927. And all their habits in life would be changed?—Entirely.

2928. They can, I presume, make a subsistence as they are now?—Yes.

2929. And they would have to be converted from small landowners, as they are now, to a state of labourers?—Yes, they would cease to exist as a class altogether.

2930. It would revolutionise the whole of that class?—Entirely; the class would disappear.

2931. Do you think that would be desirable?—I think myself it would be very undesirable, because they are a very good, respectable class, and very independent, and a class that you will find nowhere else, and a class that fares very well there.

2932. And do you think that it would savour of cruelty almost, to disturb them in their present state?—They would disappear utterly.

2933. Have you formed any view at all as to the suggestion of giving the commoners generally, or I will take the larger commoners, compensation for their rights, as the land was absorbed for planting purposes, as was suggested to Mr. Squarey the other day; he was asked some questions as to whether it would be practicable and desirable to give compensation to the commoners, as the land was taken in for the purposes of inclosure, that is to say, that if a commoner had a right over 500 acres of uninclosed land, a certain number of acres of land should be given to him as compensation after the land had been planted upon and inclosed?—That would do well enough for the rights of mast, but I cannot imagine that any acreage of thrown out inclosures would do for pasture. The pasture in the thrown out inclosures is worthless, or nearly so.

2934. He admitted that in some portions where there are beech trees and fir trees there would be no herbage worth using?—In the thrown out inclosures, the pasture is worth little or nothing. What they do then, is to cut down the whole thing smooth, plant fir trees in rows, that is merely for shelter, and then when the oak can stand without the shelter, they cut down the fir and leave the oak very thick, and there is nothing of any importance under it.

2935. I think you used the expression that you thought the commoners in the legislation of 1851 had been "over-reached"?—They thought so.

2936. And do you think so?—Well, yes, I think they were. They certainly did not get what they thought they had got.

2937. There was a misapprehension, to put it in that way?—A very decided one; indeed, the commoners were not represented as commoners at all at that time.

Mr. Ryder.

2938. What amendment of the Act of 1851 would you propose?—Well, I should hardly like to give an opinion on that point. What the commoners object to of course is the gradual absorption of the whole of the land which is available for pasture under the rolling power of that Act, if it is a rolling power. They see plainly enough that if things were to go on as they did for 15 years

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years after the Deer Removal Act, the rights of pasture would simply disappear.

2939. Then the first point would be, to make that point clear as to the rolling power, if it did not exist?—Yes.

2940. Would there be any other amendment that you would suggest?—I think the whole thing turns upon that, as to what amount of pasture is left for the commoners as far as they are concerned.

2941. Without any further inclosures?—That is what they would like.

2942. And do you think that that would be equitable to the Crown?—I really hardly like to give an opinion upon a point of that kind; that goes into the question so very much as to whether the Crown got too much compensation in 1851 for the removal of the deer. I do not think that I am capable of giving an opinion upon that point.

Sir William Harcourt.

2943. I see that in some of the evidence it has been said that the amount of deer kept was in old days about 7,000 head, and latterly about 3,000 head; do you know how that was?—I know that it was very much diminished; a good many deer died during some hard winters, and they diminished the number of deer at one time.

2944. And I saw also that it was said that about three acres was what would be appropriated for the pasture of a deer; now if there were 3,000 deer, that would represent, would it not, something less than 10,000 acres?—Yes.

2945. Now I do not understand you to say that you are of opinion that the rolling power does not exist, only that you think it ought not to exist?—I expressed no opinion either way about it; at least, I did not intend to express any.

2946. Of course the rolling power is a question totally apart from the actual inclosure of the 10,000 acres conceded by the Act of 1851; that would be a question that would arise after the 10,000 acres had been taken in?—Certainly.

2947. Then I would ask you to consider those two things separately. Now assuming the Crown to exercise the rights of inclosure given it in 1851, by taking in the whole of the 10,000 acres, what you say the commoners fear is, that if the rolling power is indefinitely exercised the pasture might be entirely extinguished?—Yes.

2948. That would be met, would it not, by a condition that after the 10,000 acres were inclosed, the rolling power should not be exercised except under conditions which would preserve always to the commoners an equal amount of pasture?—Certainly.

2949. For instance, supposing that after the 10,000 acres were inclosed this condition were made, that no further lands should be taken in under the rolling power, unless the land thrown out were equivalent in value of pasture and pannage to that taken in?—Yes.

2950. That would be a security against that danger?—Yes.

2951. I mean assuming that there was some impartial arbitration established, which should determine that the value of the lands thrown out should be equal in respect of the enjoyment to the commoners to the value of the lands taken in?—Yes.

Sir William Harcourt—continued.

2952. In that way, and subject to conditions of that kind, the rolling power would not be injurious to the commoners, would it?—No; my own belief is that you would find it almost, if not quite, impossible to give pasture in thrown out inclosures of any value; I do not believe that it is of any value.

2953. Now take the thrown out inclosures; which should you say was the part that had the largest trees, thinnest on the ground where of course the pasture might be expected to be best?—They manage the thrown out inclosures upon a system, they thin out the oaks in the way they think best for the growth of the timber, but they leave them very thick on the ground.

2954. Which is the thrown out inclosure where there are the largest trees; take Bentley, is that one?—Yes.

2955. Now taking that as an instance, would that be the most favourable instance for the pasture under the trees of the thrown out inclosures?—That is one quite of the old ones; I suppose it is a very fair specimen of what pasture you might expect under high trees.

2956. What sort of condition is the pasture in there?—There is little or none under the high trees, nothing worth having I should think. This has been the effect oddly enough of the destruction of the deer there, and in many other places, a very dense growth of young hollies under these high trees; I should not think that the pasture in either of the Bentleys was worth having at all.

2957. Why is it that there is more of the hollies there than in the ancient woods?—I think in the old woods where the trees grow thick it is just the same thing, and there is no difference at all; but practically in the thrown out inclosures they keep the trees very much thicker than they are in the ancient woods; and then these old woods are not continuous, but they are interspersed with what they there call lawns where there is pasture.

2958. Then you would apply that to the ancient woods also, that wherever there was any considerable growth of wood the pasture under that is not of very great value, but only among the lawns which lie between the trees?—Yes; like all old woods the trees do not grow regularly, but you get a thickish clump, and then a lawn, and then sometimes trees growing thin.

2959. Then you would agree with Mr. Esdaile, that practically speaking, that which can properly be called old woodland is of little or no value for pasture at all, whether ancient or modern?—Not under the high trees, certainly not.

2960. What sort of age are the fir trees cut which have been used as nurses?—I think that the usual rule about these inclosures is that they throw them out in about 40 years from the first planting. They plant the young fir trees, and then they cut them out and make pit props of them.

2961. After 40 years all the fir trees would be gone, would they?—They leave a few, but practically they are nearly gone.

2962. In the ancient woods the young trees at present are not growing up at all, are they, to speak of?—The fact is that that is such a vexed question that I can hardly answer it. In some they are, and in some they are not, I believe; but this certainly is quite true, that at present in the

Sir William Harcourt—continued.

the old woods there are few or no young trees 25 years old.

2963. It has been suggested that it would be a good thing that the Crown should have the power amidst the old woods to inclose small patches of a few acres in extent for a certain period to allow the young trees to grow up; do you think that would be a good thing?—I think there would be an enormous difficulty in doing that. These old woods are mixed up with these lawns, and to inclose bits of the old woods by themselves would be enormously expensive in point of fencing.

2964. I am only speaking of a few acres, patches of a few acres, to allow the trees to get up; do you think that would be a good thing?—I really do not; I think it would entirely destroy the character of the old woods. The cattle now to some extent pierce through the underwood, and that is not so much a wood as a forest; you would destroy that character; and if you kept the cattle out they would have a very thick growth of underwood, and I should have thought the expense would have deterred them from doing that.

2965. You said that in the old woods there were few trees 25 years' old; how would you propose to renew the timber of these ancient woods?—I have always heard that the cutting of fern has always destroyed the young trees.

2966. You have told the noble Lord that at Savernake you saw a part of the forest where there were trees, but that those were planted trees?—I have no doubt they were.

2967. You do not know whether in their early days they had a fence round them?—No, I do not.

2968. Do you think it would be a good thing in the interests of the commoners, if there were some organisation by which they might govern themselves in the way of exercising their rights and regulating them, if there were some representative body by which the commoners might regulate their enjoyment of common rights?—If you mean something like a regulated common under the Inclosure Act, I think there is no doubt that something of that kind is very much required. The turning out is exercised a great deal now by people who have got no right to do it, and also used in excess by those who have; there is no control at all, and the powers of the verderers for that purpose are too limited.

2969. Do you not think it would be easy to make an arrangement by which the commoners should be able to have representatives who would establish regulations which would prevent the value of their rights of common being diminished?—Yes, I think it would. There was a Bill introduced in 1871 by the Office of Woods which provides for something of the kind.

2970. And in addition, that the commoners might, I suppose, if they thought fit, greatly improve the waste for their own purposes, by drainage and so forth, so that the actual yield in point of pasture of that great tract of uninclosed land might be improved, might it not?—I think so; I think there is a great capacity for improvement in the management.

2971. Therefore it would be quite possible by the improvement of uninclosed waste to really provide quite as much pasture as exists at present, even though the inclosures, for the purposes of timber growing, were increased?—I am hardly able to answer that question. That sort of pro-

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portion would depend so entirely upon the amount to which it was increased.

2972. However, you do think that the waste is capable of being greatly improved in point of pasture?—Yes.

2973. If the rights of the Crown were exercised to the extent given by the Act of 1851, apart from the rolling power, there would be about 36,000 acres of wood out of about 63,000 acres of forest, would there not?—I think at present the existing and thrown out inclosures are about 20,000 acres nearly, and there are about 5,000 acres of old wood; that is about 25,000 acres.

2974. About 5,000 acres not yet inclosed under the Act of 1851?—Yes.

2975. That would leave, practically speaking, somewhere about 33,000 acres of waste now used for no purposes whatever except for common?—Yes; but in that tract of country there is nearly 30,000 acres of heath land, that land which Mr. Clutton described as being almost valueless. I think he gave it a rental of 1 s. 6 d. an acre, and very little of that land has been inclosed. I think you yourself pointed out one or two bits of that land in the more modern inclosures, but very little of it has been inclosed.

2976. And do the commoners not use that at all?—It is of very little value; it is valuable for turbary, but of very little use for pasturage. There is some pasture, but not much.

Mr. Cowper-Temple.

2977. Do you think that if the thrown out inclosures were so thinned that there would remain about 30 or 40 trees to an acre, then the pasture might be of service to the cattle?—Yes; in this place that I was looking at some three or four days ago at Savernake, the young oaks of about 30 years old were left a considerable distance apart, none less than 20 yards apart, and many of them 30 yards apart, and there was very little pasturage there; it was all fern under it almost.

2978. But you are not acquainted with any thrown out plantation in the forest at the present moment in which the trees are far enough apart to allow the grass to get light?—No, nothing like it; they are quite close.

2979. Do you think that the right of cutting turf does more harm to the soil than it gives advantage to those who have the right of turbary?—It does a great deal of harm to the soil; they cut the turf chiefly upon the high heath land. The soil over the gravel I do not suppose is at the outside three inches, and they pare the whole surface of the soil; it does a great deal of harm to the soil.

2980. It is obvious that there cannot be pasture where the right of turbary is so generally exercised?—No, of course they cut the turf on the heath land.

2981. Do you think one could say that the value of the land which is now under inclosure, about 19,000 or 20,000 acres, represents in value nearly two-thirds of the best parts of the forest?—I do not think I am competent to say that; I think it had better come from professional gentlemen; but of course I see what everybody else sees there, that almost all the good land is inclosed and the heath land left out; you cannot help seeing that.

2982. Practically, speaking broadly, we may say that the good land is already planted for the

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Department of Woods?—Yes; some is left, no doubt, but not much.

Chairman.

2983. In answer to the question of the honourable and learned Member for Oxford, I think you stated that the rights of turbary were very injurious to the soil?—There is no doubt about it; you take off, in fact, the top soil.

2984. Are they very valuable?—Yes; I do not think the larger people use them at all, because they prefer coal; but to the smaller ones they are very valuable; you never see anything but a turf fire in a cottager's house.

2985. Do you think it would be right to consider that question, at all events in dealing with the forest, the question of compensation for the rights of turbary?—Yes, but I think it would be very difficult to compensate a cottager for his rights of turbary.

2986. But looking to the interests of all classes, the interests of the State as well as the interests of individuals, do you not consider that it is a question which ought to be dealt with in some way?—Yes; there is no question that the right of turbary is a most wasteful process.

2987. I think you said that planting out an inclosure without compensation is a species of confiscation of the rights of commoners?—Yes; of course it is obvious to everybody that if you replace what formerly was pasture by something which is not, the persons who have the rights of turning out, lose their pasture.

2988. If that is so do you propose that an Act of Parliament which was passed in 1851, and which was passed to authorise planting, should not be acted upon?—I would rather not express an opinion of that kind. I merely wished to give evidence as to what the effect of the operation of that Act has been upon the forest.

2989. Is not this species of confiscation, if you are pleased to call it so, incidental to any planting which may be carried out on a common?—Yes; I do not think you can plant trees on a place which is fitted for pasture without destroying the pasture.

2990. Then common rights must be held subject to that incident?—Certainly; it is a mere question of extent as to whether you destroy the whole of it, or only a part.

2991. That is to say, whether it is fair and reasonable to carry out these powers to the full extent to which the lord of the soil has the right to plant?—Yes; what I wish to say is this, that if it is carried out *toties quoties*, then the pasturage, and the rights which depend upon it, will probably disappear.

2992. Under the arrangement which exists, the commoners having the right of pasturage, and the lord of the soil having the right of planting, is not a dissatisfaction, a dissatisfaction in which you yourself have described, unavoidable, unless one surrenders to the other?—I think it is; and I do not myself find the same fault with the Office of Woods that many people have done. I believe that all they have done since the Act of 1851 has been what they thought it their duty to do. No doubt they were pressed to show that 60,000 acres produced some financial result, and they had to cut down timber and manage it for that purpose; and I think they have managed this property very much in the manner in which a good agent would manage a property for rather a severe

Chairman—continued.

employer. I mean that they found themselves entrusted with certain powers under the Act of 1851, and they believed that an inclosure was imminent, and they used those powers to make the property of the Crown of as much value as possible; and if the interests of the public and the commoners interfered, they must yield; I believe they did nothing but what they simply believed to be their duty.

2993. Would you suggest that, on grounds of equity, it would be right that the Commissioners of Woods should now surrender to the commoners?—Of course what the commoners want is to have some arrangement by which their rights of pasture shall not be wholly destroyed. That is the sort of general feeling they have got; the smaller men, without any very definite idea how it is to be done.

2994. Then are we to understand that you propose that the Act of 1851 should be repealed?—I think that if the Committee wish to keep these small commoners at all, to prevent their disappearing, and wish to keep the forest in any degree an open forest, it must be amended in some way, not repealed, perhaps; but some of the provisions altered.

2995. Would you desire, or suggest, that we should go back to the condition of affairs in 1851, and start as from that point again?—It would be very difficult to do that, to retrace our steps. No, I should suggest to make some arrangement now by amending that Act, which would be fair in the present state of things. I do not think that you could go back.

2996. But if you desire to amend the Act of 1851, so as to make it fair, having regard to the present state of things, must not you consider the rights which were conferred by Parliament in 1851?—You mean the rights conferred both upon the Crown and the commoners? We have always considered that that Act was passed under a misapprehension, that the Crown and the commoners, and those who represented the public, were at cross purposes, and that the Act was passed rather in a hurry, and that it had a meaning which was not understood by those who were interested in it.

2997. That, of course, is capable of ascertainment. I suppose there are persons who could prove to the Committee, on the part of the commoners, that the Act was passed in 1851 in a hurry, and without proper consideration of the rights of the commoners?—Yes, no doubt.

2998. Although the commoners appeared by counsel and by their agent before the Committee?—Yes; there was no association of commoners then. They had no time to meet, and they had no meetings, and the smaller men were not represented at all. A few of the bigger men went to the expense of retaining counsel, and so on, and did the best they could.

2999. And they, in your judgment, did not represent the interests of the smaller men?—No, not at all.

3000. You apprehend, I understand, that the commoners would disappear if the Act of 1851 were carried out?—Yes; if that rolling power is exercised to the fullest extent, you must inclose so much of the land round where these small people live, that their rights of pasturage would disappear. I think you cannot look at that map without seeing that, on this side of

Minestead

Chairman—continued.

Minestead Manor (*pointing to it*), the whole is either proposed or actual inclosure; that is, on the south-west side. On the north-east side there is the same thing. There is a very little patch on the north, and hardly anything on the south, which is not taken or proposed. It is obvious that the rights of commoners of those who live there, who are very numerous, must disappear if that were done.

3001. The question of the rolling power would not, of course, come into play until inclosures are thrown out, and that is not at all a near or probable event, I apprehend, is it?—The Crown have not exercised their power of inclosing yet to the fullest extent. There are many thousand acres which they are entitled to inclose under the Act of 1851.

3002. Up to the extent to which the Crown have exercised their power of inclosing, has any practical evil been suffered by the commoners; have they diminished in numbers, or have they diminished in position?—I think they have slightly diminished in numbers; I think that there are fewer small freeholders about that part which I know best, than there were in 1851, though not very much; and I think that probably the Committee would like to hear from themselves (some of them are coming) what they think the effect of the inclosure has been, and to what extent they are injured by it.

3003. Are you of opinion, with your great knowledge of the forest, that they have really suffered any sensible loss by the exercise of the powers of inclosure since the Act of 1851?—Yes, I think that they have suffered very much indeed.

3004. If they have, they have diminished in position and in numbers, I suppose?—They have been so much helped lately that they have done very well. The price of ponies has increased, so that many of them make a good deal of money by breeding ponies and turning out. They are not badly off now; the price of ponies has increased something like double or treble what it was 20 years ago, and they make a very good thing in that way; but I think they will tell you that the value of the turn out has suffered very much since 1851; I do not think they complained before that time at all.

3005. Who are the persons who exercise this right generally; are they small freeholders of from five to ten acres of whom you speak, or are they farmers holding larger farms who possess land, entitled to common rights, or hold land from landlords, which is entitled to common rights, in the neighbourhood of the forest?—The larger farmers turn out very little; it is the small men to whom the right is of value.

3006. Those of whom you speak as enabled to keep a cow an acre, in proportion to their own occupation?—Yes.

3007. Are you of opinion that it would be possible to compensate that class of smaller freeholders for their right; the right which you state to be equivalent to the keep of a cow an acre?—No; I am sure no compensation in the way of land would meet the case; if you were to give a man who has five acres half an acre without the forest rights, he would disappear.

3008. Is there any limit to the number of his cattle that may be turned out?—Levancy and couchancy; the man has the right to turn out 0.100.

Chairman—continued.

in the summer the number of beasts that the land will maintain during the winter.

3009. But is that a limit that practically exists?—Not in the least. Something is very much required to restrain it to that. It is practically common without stint; there is no control over the number turned out, not a bit.

3010. Then, besides, as a fact, they do turn out in winter, do they not?—Yes.

3011. The ponies run in the forest all through the winter?—They do very often. I do not believe it is worth very much, but they think something of it, and they do turn out in the winter.

3012. At all events, many of them are not under the necessity of finding feed for their ponies during winter?—I do not think that is done to a very great extent; but it is done, no doubt.

3013. I think you have been present in the room when other witnesses have given evidence as to the feeling which exists in the forest with reference to the Commissioners of Woods and Forests; I think one witness stated that it would be impossible to suggest any mode of arrangement with which the Commissioners of Woods and Forests would have to do; are you of opinion that any arrangement is possible which would respect the rights of both parties, and prevent the misunderstandings which have arisen during recent years?—Well, I should hope so. I have no doubt the Committee have observed that there is a very considerable animus shown, on both sides in this controversy, between the Office of Woods and the commoners; but I do not in the least see why they should not live in harmony together, just as the lord of a manor lives in harmony with his tenants, who have rights of common over his waste.

3014. And you propose, as a *modus operandi*, that something should be done with the Act of 1851 which would respect the rights of commoners as they exist, and there you would leave it; is that so?—Yes; that was what I said, certainly.

3015. Is that your suggestion as to the course to be adopted?—Yes, in the interests of the commoners. I have been throughout trying to speak in the interest of the small commoners, and, as far as they are concerned, I think that is what they want.

3016. I think I must ask you something more; you have an Act of Parliament before you which has been carefully considered, and which is the law of the land; I think I am entitled to ask you whether you think it would be right that it should be done, under all the circumstances of the case?—Yes; I think it would be fair to do so, for two reasons; that the Act was passed in a hurry, without the commoners being sufficiently represented, and that the Act has certainly had a very different effect from what those who were concerned in passing it thought it had.

3017. Is it not the case that a Bill was promoted by the commoners in 1871, the object of which was to procure a severance of the rights of the Crown and the commoners?—What happened then was this: the Government brought in a Bill, of which an entire severance was one of the provisions, that is to say, ascertaining the respective rights over the forest of the Crown and the commoners, giving the Crown their proportion in fee, free from all rights of common, and giving the commoners theirs; and at that time the feeling of the country, I think, was different from what

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Chairman—continued.

what it is now, and all the commoners thought they could do was to obtain the best terms they could upon that principle; and so they introduced a Bill something similar in its scope, but endeavouring to obtain better terms for the commoners on that principle. I do not think many of the commoners liked either of those Bills, but we thought they were the best terms we could expect to procure at that time.

3018. Do you think it would be impracticable to provide now that the rights of the Crown to grow timber should be ascertained, and the rights of the commoners ascertained, that the portion reserved to the Crown should be appropriated by Statute simply to the purpose of growing timber, and that the portion appropriated to the commoners should by statute be appropriated as a regulated pasture for the commoners generally, not allotted to any individual commoners; do you think that would be an impracticable solution of the matter?—It would depend so very much upon what proportion the Crown got. If the Crown got anything like what we have heard suggested by the officials at the Office of Woods, there would be so very little left for the commoners that I do not think there would be pasturage left for them. It would depend entirely upon what proportions were settled at that time as being the proportions respectively due to the Crown and to the commoners.

3019. Then do I rightly understand you to suggest that if the rights of the commoners were ascertained, they would be so much less than those which have been exercised, that they would suffer damage in consequence?—I do not know; I quite collect that the proportion claimed by the Crown in case of a severance, if it was allowed, would be so great as to prevent the common rights being of value. I understand the question that one is bound to suppose that if the Commission settled the respective rights, and settle them fairly, the commoners might lose. I really have not gone into that enough to know whether it would be so or not.

3020. You would rather not express an opinion?—No; I could not tell what the result would be.

Mr. Couper-Temple.

3021. The rights of the commoners, I presume, in regard to cattle, would be the right of levancy and couchancy, and with regard to the pannage and turbary; and then might it not be found that the forest would not suffice for giving to the commoners all their rights, and at the same time giving to the Crown all that it claimed; and that, therefore, there would be a conflict between them, because the forest would not be large enough to supply both their claims?—I think it is very likely that it would end in its being found that both parties were worse off than they are now.

Sir William Harcourt.

3022. I suppose if there were ever a severance between the Crown and the commoners, it would ultimately lead to this: that that portion, at all events, which was given to the commoners would cease to be waste at all; it would become inclosed and would be lost to the enjoyment of the public altogether, would it not?—No; I do not understand it would be so; they would have no power to sell; it would, in my view,

Sir William Harcourt—continued.

be kept as regulated pasture under the General Inclosure Act.

3023. Now one question about the winter heyning. I understand you to say that it is quite clear that the legal right of the commoners was only right to pasture for about six months in the year?—Yes.

3024. Then let us suppose that the Crown were practically to allow the commoners to enjoy it as they do now. They do, practically, do they not?—They do.

3025. Supposing that right were given by the Crown to the commoners, do you not think it would be fair that some precautions should be taken, either in the form of a quit-rent, or of some definite declaration, which in the event of an ultimate severance should prevent the commoners from claiming in a partition as owners of the common for the whole year?—Certainly the Crown under the provisions of the Act of 1851, have got the right of excluding during those times.

3026. I want to call your attention to this, that what the Crown, acting on the part of the public, are afraid of is, that if they were to surrender the right of winter heyning, and so forth, to the commoners, the commoners might use that hereafter in any case of partition as giving them a larger claim in the severance?—Yes.

3027. Do you not think that it would be fair, therefore, that if the Crown permitted the commoners to enjoy the pasturage the whole year, the Crown should be protected against any such claim being set up in the future in the case of a partition?—Many of these rights of common now, as you would see by this book of claims, are subject to small payments.

3028. That would easily be provided for, would it not, by having a nominal payment on the part of the commoners as a body which would practically recognise the right of the Crown to the common during six months of the year?—Of course the commoners say this about fence month and winter heyning, that they believe that the compensation given to the Crown by the Act of 1851, for the ceasing of the right to keep deer, was intended to be apportioned, and was apportioned, taking into consideration that with the right to keep deer the right to exclude cattle also ceased.

3029. You have told us that you have no doubt that was a mistaken idea on their part?—Yes; but they think the compensation was given for that, and it turned out afterwards that the Crown kept it, and that it was a mistake to suppose that that right was given up.

Mr. Rodwell.

3030. Can you suggest any reason why the Crown should exclude for six months in the year the commoners' stock, now that the right to keep deer is abolished?—They simply consider that as a right which, in the event of an enclosure or partition, would be of value to them in apportioning the shares.

3031. Except as a right in that sense, there is no practical use in excluding the commoners' cattle for those six months now that the deer are abolished?—No, none that I am aware of.

Lord Henry Scott.

3032. When you spoke of the Bill of 1871 of the

Lord Henry Scott—continued.

the commoners, the Commoners' Bill, I think, never got beyond the hands of the commoners themselves; I mean it never entered the House, did it?—No.

3033. And with regard to the principle of that Bill, was it not framed on the only terms that were then offered by the Office of Woods?—We thought those were the best terms we could get at that time.

3034. In fact, it was not what would emanate from the commoners themselves, but was rather framed on the terms of the notice given by the Office of Woods?—Yes.

3035. With regard to the question of turbary, do you know at all what its value is?—You would get that better from others; I think they call the right of turbary worth about a pound a year to the cottage; some put it more. I think that they all say it is worth quite that; that the letting value of a cottage is increased by a pound a year when it has got the right of turbary.

3036. We have it in a register, that about 1,200 houses had the right of turbary?—I dare say.

3037. With regard to the compensation for that right, if it was to be bought up it would represent a considerable sum of money, would it not?—It would be very expensive indeed to buy up the rights of turbary.

3038. And the land from which the turf is cut

Lord Henry Scott—continued.

is not of much value for other purposes, is it?—The turf is cut from heath on the tops of the hills, no doubt the land which Mr. Clutton thought the least value, what he called land of 1 s. 6 d. an acre in value.

Sir William Harcourt.

3039. Might not that right of turbary be very advantageously replaced by a grant of fuel over these growing woods, and so preserve the soil; as these plantations are growing, there would be an immense quantity, of course, of thinnings; could not the turbary be replaced by a grant of fuel, therefore?—There are fuel rights at present, but I believe they do not act well; they are not very extensive, but some have got them; and I think the Office of Woods make out that they have got to cut down several hundred beech trees in the year for that purpose, which might, under better management, be left. I do not believe that the fuel right at present acts well.

3040. Surely, in these growing woods, it would be very easy to give the cottagers an equivalent, or more than an equivalent, for the turbary, in the thinnings of the inclosures?—I do not know; I have not considered the subject; I think that the small commoners would tell you very much better than I can, they having practical knowledge of the subject.

WILLIAM EGERTON, called in; and Examined.

Mr. Cowper-Temple.

3041. How old are you?—Fifty-five years.

3042. Have you lived long in the forest?—All my lifetime; I was born in it.

3033. What is the size of the farm you occupy as a tenant?—One hundred and twenty acres.

3044. Have you exercised forestal rights belonging to that farm?—Yes.

3045. For how long a time?—For 24 or 25 years.

3046. And have you turned out cows and heifers?—I have turned out heifers at different times.

3047. Will you tell us whether formerly you found it was of great service to you to turn out those dry cows?—It was.

3048. Do you remember the taking in of Shave Green, Brochis Hill, and Buskitts Lawn inclosures?—Yes.

3049. Will you tell us what happened by the taking in of those inclosures, as regards your pasture?—It took away all our best pasture. The forest is nearly no good to us now; that is the thing.

3050. Were there lawns where those inclosures now are?—Generally lawns.

3051. And have you no other good pasture in the neighbourhood of the place where you live?—It is very small what there is left.

3052. Then did you leave off turning out cattle when the inclosures were made?—Not when they were made; but I have now for this two years not turned anything out, because I found it was very little benefit.

3053. Why was it that you found it not worth while to turn out cattle?—Because all the land is taken in where they fed.

3054. But after the inclosures were made, did

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Mr. Cowper-Temple—continued.

you continue to turn them out?—I did for several years.

3055. And did you find it any advantage to you?—Yes, it was of advantage.

3056. Do you know many labouring men in the forest who rent cottages with forest rights?—A good many.

3057. In your neighbourhood?—Yes, and in the neighbourhood round where I know.

3058. What number of acres is it common to have with such a cottage?—Some have one, some have two, some three, four, five or six, and some may have ten.

3059. Can you tell us how many cows per acre a man could turn out; that is to say, supposing a man has five acres, how many cows do you think he could turn out?—I should think about a cow to an acre; that is, turning them out in the summer, so that he could make use of all his land for the winter.

3060. Do you find that the power of turning their cattle into the forest enables them to get a living much better than they could without it?—Yes.

3061. Are these men living by day labour?—A great many of them are; they work in the forest, a great many of them, and do different things, what there is to be done.

3062. And supposing that the forest was taken away from them for the purpose of turning out cattle, do you think that they would suffer much by that?—Yes.

3063. Do you think that they would be much worse off?—They would be obliged to leave a good many of them; the place would be no use, no value whatever to them; even if it were their own land it would not be worth the value to sell.

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3064. And

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William Egerton.

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Mr. Cowper-Temple—continued.

3064. And supposing that instead of sending their cattle all over the forest wherever they pleased, they had a small bit of land given them for their own, would that enable them to keep cattle?—It would not be as it is now.

3065. Who are the men who turn out ponies; are they farmers?—Some of them.

3066. And small freeholders?—Some.

3067. And labouring men?—Yes.

3068. It is a habit, as far as you know, in the forest to turn out any animals during the winter months?—It always has been done with the exception of a year or two ever since my remembrance.

3069. And what sort of pasture do they get in the winter?—It is not for what pasture they get in the winter, it is more for exercise; it is to turn them off and sow those little pieces of land; if they had to keep them in winter, those little pieces of land would be of no use to them.

3070. If they turn out cows in the winter, are they obliged to feed those cows with hay?—Yes.

3071. And the same thing with the ponies?—Yes, the same thing with the ponies generally speaking, in bad weather, but the ponies not so much as the cows.

3072. Are you acquainted with any woods that have been thrown out and the fences taken away, so that the cattle can go in among those woods?—I am not much acquainted with them; there are none near us, still I know some of them.

3073. Do you think that any of them that you know, provide pasture for the cattle?—Very small indeed.

3074. Is there grass?—There is no grass; there is nothing but the trees grown, they kill everything.

3075. And do you find that whatever grass there is, is rather of a sour nature under the trees?—It will starve anything; they will not eat anything there at all.

3076. What difference has it made to you do you think, being prevented from turning out the cattle which you used to turn out in former days?—Of course, it is a good bit of difference, but I could not say exactly what difference.

Mr. Ernest Noel.

3077. What proportion of your land is in arable?—I think about half is arable land.

3078. You say, that since the inclosures near you were made, the pasture was very much diminished?—Yes.

3079. Do you know any of the smaller commoners who have given up keeping cows owing to its diminution?—No.

3080. Then they had still enough left to keep on as they used to do?—They do keep on.

3081. And have they a less number of cows than they used to have?—That I could not say.

3082. They have found, speaking generally, that the pasture is sufficient notwithstanding the inclosures up to the present time?—Well, I could not say sufficient, because the best is all taken away; they still turn out in what there is left.

3083. But have they the same number of cattle as they had?—No, they do not do so well.

Sir William Harcourt.

3084. Whereabouts exactly in the forest do you live?—I live at a place called Cadnam, very near this Shave Green inclosure.

Sir William Harcourt—continued.

3085. How far are you from Shave Green inclosure?—My residence is about a mile.

3086. Which way, towards Rumsey?—No, towards Lyndhurst.

3087. Are you towards Minstead, on the Minstead side of the inclosure, or the Rumsey side?—On the Rumsey side.

3088. You are a bit outside of the forest, are you?—Yes, we are in Sir Henry Paulet's manor; we are not actually in the forest.

3089. What has injured you is, the Brochis Hill inclosure and the Shave Green inclosure?—Yes, and likewise round to Kings Garn Gutter; Shave Green was our best turning out, and then they could range to Brochis Hill or round Kings Garn.

3090. Then you turn out all round Shave Green down to Rufus Stone and Minstead, and all round there?—Yes.

3091. What cattle have you got altogether?—I have nothing in the forest at present, except it is four or five mares or colts, no cow off there.

3092. Why not?—Because I do not think it worth my while to turn them there; they did not do, and so I do not turn them out.

3093. When did you leave off turning them out?—I have not turned them out these two years.

3094. Do you keep no cow at all?—We keep the cows at home.

3095. You find they do better at home, do you?—Yes.

3096. How many cows have you at home?—Twelve.

3097. And how many acres of land have you?—One hundred and twenty.

3098. How many cows used you to turn out in the forest?—I used to turn out seven or eight heifers, and two or three cows, and I turned out my milch cows two or three years ago, but we found it was no use.

3099. Your cows are rather better animals, perhaps, than they used to be 10 years ago?—Not a bit better.

3100. Not a better sort?—No.

3101. Have you left off turning them out because you found it better keeping them at home generally?—Because the pasture is taken in.

3102. That is the reason why you have kept your cattle at home?—Yes.

Mr. John Stewart Hardy.

3103. You say you cannot tell what money loss this has been to you; but can you tell at all what you would be glad to give for the right to turn out eight or 10 heifers on to that sort of pasture?—No, I could not.

3104. Would it be worth 1 s. a head a week to you?—Yes, quite as much as that.

3105. One shilling and sixpence?—I could not say; I could not say the value.

Mr. Rodwell.

3106. You keep 12 cows as I understand; where do you feed them now; do you turn them out?—In the meadows.

Earl Percy.

3107. I want to ask you about the Shave Green inclosure; what was it before it was inclosed, was it old forest?—It was old forest, of course. The biggest part of it was pasture; it was our best pasture land. There were some very nice trees

Earl Percy—continued.

trees there; a lawn here, and trees there. The biggest part of it was our best feeding land, in Castle Walk.

3108. I suppose as a rule, in your part of the forest, the old forest is the best part there is?—It might be as good as any in that part; I should think it is.

3109. Now about pannage; do you turn out any pigs?—No; I could turn pigs out, and do sometimes; but as a rule I do not turn them out.

3110. Do any of your men turn pigs out?—Yes, and my neighbours all round; I live a mile away from the forest, and therefore I do not turn out so much as I should if I were close to it.

3111. And is there plenty of food for the pigs?—Sometimes; sometimes none; sometimes more for years.

3112. Some years there is a crop, but some not?—Some years there is a crop, and some years not.

3113. Whereabouts do they find mast?—It is the beach nuts and the acorns off the trees.

3114. They do not find them in the inclosures, do they?—Some in those old inclosures, thrown out anywhere where the wood is; where beech trees and oak are, there are the acorns and the nuts.

3115. And is there plenty of old wood about you?—Yes.

Chairman.

3116. I think you said that no grass grew under the trees in the inclosures?—I did not say none; I say it is no good at all; nothing will eat it.

3117. Then, there is no hardship in excluding

Chairman—continued.

cattle from those inclosures?—It is no good to the cattle at all.

3118. Then, on the whole, you would be just as well off if they were not thrown open?—Perhaps sometimes you would; there are some that get killed in the trenches.

3119. So that on the whole, as a farmer, you would prefer that these inclosures which have been thrown open, should not be thrown open?—They are no good at all.

3120. Then no harm would be done to the commoners if thickly planted plots of land, now covered with trees, were not thrown open to the commoners to send their cattle into them?—No harm to the cattle; all the harm would be in the loss of the pannage for the pigs.

3121. That would be the entire loss they would sustain?—Yes.

3122. You said that you lost a good deal by the inclosure of Shave Green; have you paid less rent since you lost that right?—No.

3123. Are you a yearly tenant?—I am not exactly a yearly tenant; my agreement is for four, eight, or twelve years.

3124. You can terminate it at the end of four years, or eight years, or twelve years?—Yes.

3125. But the loss which you have sustained by the inclosure has not been sufficient to induce you to ask your landlord to reconsider the rent which you pay?—No.

3126. Do you pay more or less rent than you did before?—We have no difference in the rent whatever.

3127. And you are well content?—Well, I do not know about that.

Mr. Cowper-Temple.

3128. Who is your landlord?—Mr. Briscoe Eyre.

MARK DUNNING, called in; and Examined.

Mr. Cowper-Temple.

3129. ARE you a freeholder?—I am.

3130. Where do you live in the forest?—At Bartley.

3131. Is that within the forest?—In the forest boundary my property is.

3132. How old are you now?—In my seventy-ninth year.

3133. And have you lived all your life in the forest?—All but one twelvemonth.

3134. And how many acres of land do you occupy?—I occupy 33 acres, 10 of my own, the other is Mr. Compton's.

3135. Did your father before you occupy the same quantity of land?—Yes, my father did before me.

3136. And how many head of cattle did your father keep?—Twenty, somewhere thereabouts; sometimes more, sometimes less.

3137. And did he turn out his cattle and his pigs in the forest?—Yes, all my time.

3138. And did you look after them?—Yes, at times when I was a boy.

3139. And do you now turn out in the forest?—Yes, day and night.

3140. Do you think your father estimated his rights very high?—Yes.

3141. Do you know what they were worth to him?—No, I cannot tell exactly.

0.100.

Mr. Cowper-Temple—continued.

3142. Is there as much good pasture as there was in the time of your father?—No, because they have inclosed it.

3143. What inclosures do you allude to?—There are three close to me, and that is Brochis Hill, Buskitt's Lawn, and Deer Leap.

3144. Were they good feeding lands?—Yes, a great deal of it was good pasture.

3145. And do the cattle suffer from not having those lawns in those inclosures?—Yes.

3146. Where do you send your cattle now?—We turn them into the forest, and they go one side or the other of us to get out into the forest.

3147. And are they much more thin than they used to be?—Yes, we have been obliged to feed them a little.

3148. What do you feed them with?—Grass, cut-up clover, and anything that we have got.

3149. And with hay?—No, not hay.

3150. Do you turn out ponies?—No.

3151. What number of cattle do you generally turn out?—Ten, eleven, or twelve.

3152. Of what sort?—Cows and heifers.

3153. And do they go out in the winter as well as in the summer?—Yes, they go out and in; they come in at night.

3154. Do you exercise a right of turbary?—Yes.

E E 4

3155. What

William Egerton.

22 June
1875.

Mark Dunning.

*Mark
Dunning.*
22 June
1875.

Mr. Cowper-Temple—continued.

3155. What is that right of turbary worth to you?—Four thousand is what I take, and I consider that they are worth 2*l.* to me; 10*s.* a thousand.

3155. How do you estimate the value; do you consider what it would cost you to buy other fuel?—Yes, I do; what it would cost to buy wood or to buy coals.

3157. You have not any right of fuel, I suppose?—No, that was taken away. My father bought the 10 acres of land from the Crown as freehold; and they took away the right of fuel wood, but all other rights my father had.

3158. Should you be satisfied if you had wood given to you as a fuel right, instead of the turf which you cut?—No, I would rather have the turf.

3159. Can you tell us why you think that the turf is better than wood?—The ashes of the quantity of wood would be of no value, but the ashes of turf is of value to us to drill the turnips with anything of that sort.

3160. Is any of your own land kept in pasture?—Yes, there is some of that land in pasture.

3161. Do you know of any inclosures which are thrown open to the cattle, and that are of any use to them?—Those that are thrown out are of some use at this time of the year, because the cattle can go there to shade; but there is Church-place inclosure, and Lodge-hill and Furzy-lawn, close to me, all thrown out.

3162. Do the cattle find anything to eat in Furzy-lawn Wood?—No, there is very little for them; but we can always find feed for the pigs if there is any mast in these young inclosures.

3163. Would you be sorry to lose the power of turning your pigs out?—I should be very sorry.

3164. What difference would it make to you?—It depends on the season, whether I have got a crop of acorns or beech nuts, or such like, because sometimes I may make 10*l.* or 20*l.*, when I have a goodish stock of pigs in a good year.

3165. What number of pigs do you have in a good year when all goes well?—Sometimes 15, 16, or sometimes 20. If there is likely to be good mast we provide for that.

Mr. Ernest Noel.

3166. Your father kept 20 cows or heifers, and you only keep 10 or 11?—Yes, but I have not got but half the land. My brother got seven acres, and with the land he has got the same right as I have.

3167. Then between you you keep as many cows or heifers as your father did?—Yes.

3168. At present, then, you have not lost much by inclosure?—No.

3169. Except that the cattle are thinner?—That is all; it is not so good pasture for them.

Sir William Harcourt.

3170. You say you give them a little grass; do you do that now, at this time of the year?—Yes, I do my milch cows, I do not my heifers.

3171. Then do you drive the cattle home at night, to feed them?—Yes, they come in at night, because if we feed them that brings them home.

3172. They come home, and you give them a little grass?—I have always got some grass at this time of the year to feed them with.

Sir William Harcourt—continued.

3173. Are the cattle a better sort than they used to be in your father's time, or the same?—Much the same.

3174. You say your father bought this land?—He bought it of the Crown, and left ten acres to me and seven to my brother, all freehold.

3175. Was he a farmer like yourself?—Yes.

3176. And he bought it with the money he had saved?—Yes.

3177. Now just tell me about Furzy Lawn, and Lodge Hill Inclosures, and Church Place Inclosure; those have been thrown out?—Church Place Inclosure was thrown out some years ago.

3178. Is there any grass in Church Place?—No, not in the inclosure; we have nothing to depend upon but the acorns.

3179. The acorns, of course, are better than they used to be before the inclosure was thrown open?—The pannage is quite as good, but the pasturage is not so good.

3180. Then what the inclosures have done to you is that they have obliged you to feed your cattle a little more than you did before?—Yes.

3181. Now, about this turf: I suppose if you got a certain amount of wood it might be made worth your while to exchange the turf for that?—I would rather keep the turf.

3182. You would rather keep the turf than any amount of wood?—Any amount I do not say; but, however, I am very fond of the turf.

Mr. John Stewart Hardy.

3183. Do you take any fern and brambles that are cut in the forest, for littering your cattle?—Yes, by paying for it, so much a load.

3184. And would it be a great loss to you if you were not able to buy that fern and brambles?—Yes.

3185. You would find it difficult to get straw?—Yes, we should not get straw enough.

3186. You think it would be a great loss to you to lose that privilege of buying the ferns and the brambles?—Yes, it would be a great loss. I should be sorry to see any more inclosures; there are plenty about the neighbourhood; very sorry indeed.

Earl Percy.

3187. About this Furzy Lawn inclosure, that has been thrown out a long time, has it not?—A long time, Furzy Lawn has.

3188. Is there no pasture in it?—I cannot say that there is any pasture in it; it is fern and brambles in Furzy Lawn; all that is thrown out is not of much account, any more than to put a value on the pannage for the pigs.

3189. Is the fern not cut there?—It is cut there in the season.

3190. Now about this Brochis Hill inclosure; what sort of trees have they got planted there?—Fir and oak.

3191. Is there much oak?—They plant lines of fir and lines of oak between; I do not know whether it is all planted with oak; it is all planted with fir, and thousands of them were cut this last year.

3192. Now, about this cutting turf; do you think that you hurt the soil that you cut the turf on?—You cannot hurt it; it is a soil that grows nothing but turf.

3193. Where do you cut your turf?—Ashurst Walk.

3194. How

Lord Henry Scott.

3194. How much turf do you draw?—Four thousand.

3195. That is about the usual quantity drawn for one cottage?—Yes.

3196. What do you think it is worth?—Ten shillings a thousand.

3197. And what is the price of coals?—I am sure I do not know; I do not buy coals, and therefore I cannot tell you the price; I am independent of buying coals.

Mr. John Stewart Hardy.

3198. Does that turf keep you in fuel all through the year?—No, it does not keep me in fuel all through the year; but then I buy faggots of wood, because my fire is on the hearth; it is not in a grate.

Lord Henry Scott.

3199. Do you find the passage through the forest interfered with by the inclosures?—Yes, I do; from the lane end where I live, called White

Lord Henry Scott—continued.

House, there used to be a direct road through Buskett's Lawn, in front of Ashurst, right down to Denny Lodge across into Beaulieu Road; it interferes a good deal with that.

3200. Is that cut off by the inclosure?—That is cut off by Buskett's Lawn from Bartley Lane end, as we call it.

Chairman.

3201. I think you said that there was no grass growing under the trees which was of any value to your cattle?—Not in the old inclosures thrown out.

3202. It is of no good at all?—No good, except as I tell you, the pannage.

3203. So that if you had the right to turn your pigs out for pannage, that is all you care about?—That is all the good in the inclosures, because the grass is sour, and there are leaves and one thing and the other; it may be of a little value; still it is a shelter for the cattle to go to in the summer time, when the flies tease them.

Mr. CHARLES THOMAS, called in; and Examined.

Lord Henry Scott.

3204. WHERE do you live?—Northend Farm, near Ringwood.

3205. What size is your farm?—I rent about 1,000 acres, with forest rights attached.

3206. And who is your landlord?—Lord Northampton.

3207. Do you own any land of your own?—Yes.

3208. Whereabouts?—I let it, at Burley.

3209. Are common rights attached to that?—Yes.

3210. What acreage is it?—Forty-three.

3211. Do you find those common rights of great value to you?—I do, very great value.

3212. You are a member of the Highway Board, are not you?—Yes.

3213. And the Board of Guardians?—Yes.

3214. When you purchased your property in Burley, did you place any value on your forest rights?—Certainly I did.

3215. When did you buy it?—About six years ago; it was in the family before.

3216. Have you exercised your rights pretty freely?—I have on the land I occupy.

3217. And since you have exercised those rights, have they been much diminished in value by inclosures near you?—Yes.

3218. At what time of the year do you keep your cattle most in the forest?—In the summer time, from May to September.

3219. You do not keep much in the winter?—No, they would be too far away.

3220. Do you keep ponies?—Yes, a few.

3221. Do you keep them in the winter in the forest?—Yes, sometimes they will stay all the winter.

3222. What difference do you find between now and in former years in your cattle?—They do not get so much; they do not grow so much in the season.

3223. How long have you had your farm?—Thirty-four years; in 1841 I went there.

3224. And you turn out cattle from your farm as well as from your freehold at Burley?—I do not turn out from my freehold; the tenant takes that; I let it.

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Lord Henry Scott—continued.

3225. Then the difference to you is that you find that the cattle that you do turn out do not come back to you in the same condition that they did in former years?—No.

3226. But you still turn out?—Yes, still turn out.

3227. The same number?—Yes, now because I have more land.

3228. You would rather turn them out, even though they do not get so fat as they used to, than not turned out at all?—Yes, because for convenience you want to get rid of them for a time.

3229. That is to spare your land for the winter?—Yes.

3230. Have you ever known anything about fence month in your recollection?—Never.

3231. Do you know what it is?—I have heard it spoken of, that is all; I do not know what it is.

3232. And winter beyning, did you ever hear of that?—No, I do not know anything of it.

3233. Do you know much about the letting value of turbary right?—I find that a labourer's cottage always lets considerably more with a turbary right than without it.

3234. Did you ever put a special value upon that?—Moderately, I always charge a pound more.

3235. What do you think is the addition to the value of your freehold in Burley owing to the forest right?—I should think more than 5 s. an acre.

3236. What do you think is the value of the pannage right?—I should think about 10 s. a head for an ordinary sized pig.

3237. I suppose the value depends very much on whether it is a good acorn year, or not?—It depends all on that.

3238. Some years it is very good, and some years not?—Yes.

3239. Where is the best pannage in your district?—I should think Broomy and Roe.

3240. Are those old inclosures?—Old inclosures thrown out.

3241. Are they of any value for pasturage?—Very little.

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Mark
Dunning.
22 June
1875.

Mr. Thomas.

Mr. Thomas.

22 June
1875.

Lord Henry Scott—continued.

3242. More for shade, I suppose?—Yes; they grow moss and brambles, and so on; the pasturage is a mere nothing.

3243. Now what inclosures have done you the most harm in your district?—There is Sunford and Appleslade; Milkham is the best; Slufter, Islands Thorns, and Sloden.

3244. In fact all those new inclosures that lie about there?—Yes, they take in all that feeding land.

3245. Do you know Pinnock's Wood, that pink spot immediately below Roe?—Yes, I know it.

3246. If it were inclosed would that do you a good deal of harm?—A good deal of harm.

3247. Are there some nice feeding bottoms there?—One useful piece adjoining Roe.

3248. Do you find that the result of these inclosures is that you have to drive your cattle further to pasture?—One part, but not as a rule, because where we drive them there they stay; we do not drive them backwards and forwards.

3249. Do you find that these inclosures interfere with the pasturage through the forest very much?—I do not know much about that.

3250. You know a good deal, I suppose, about the highways, do not you?—I do.

3251. Do you find that the expense of maintaining highways is very much greater now than it used to be?—I have heard frequent complaints about it at the Board.

3252. What is that from?—From the cutting of timber in the forest. I heard of so much usage of the roads, drawing the timber and faggots, that it cuts the roads to pieces, and then the Crown does not contribute anything towards maintaining the roads, and therefore it comes very heavy on the ratepayers.

3253. And has there not been some correspondence between the Highway Board at Ringwood and the Office of Woods about the subject; do you know anything about that?—I do not; I could not speak to that, as I was not there at the last Board.

3254. You can simply state that, as far as your knowledge is concerned, the timber carting does cut up the roads very much, and that it adds to the highway rates in your district?—I have heard continual complaints about that at the Board.

3255. But I suppose it does not quite come into the Ringwood district, does it?—Not into the Ringwood district. It is in the Board you know.

3256. Would you rather have your rights as now, or would you rather be compensated for them in some sort of way?—Much rather have the rights.

3257. In fact you think it would be difficult to compensate you for them?—I think so.

3258. Would it affect you more as a freeholder in Burley than it would as a tenant of a large farm?—It would affect both very much.

3259. But I suppose it would affect the smaller people more?—Decidedly, it would affect those in the forest more; it would affect me very much.

3260. I suppose you have not paid the same rent for your farm all the time you have been there, have you?—I have taken it fresh; there has been more land added, and so it has all been taken fresh.

3261. And you think with regard to your pro-

Lord Henry Scott—continued.

perty in Burley, it is worth considerably more to you, with common rights, than any other property you might have, supposing you owned it without them?—Certainly.

Earl Percy.

3262. Can you give any reason why there should not be pasturage under these old woods, these woods that have been thrown out some time?—They are too thick, I suppose; I was in them the other day, and you will find plenty of moss and bramble, but pasturage not any.

3263. They are simply useful for pannage?—Useful for pannage, but not so much as the old trees were; the old trees were the best for that I always found.

3264. The old trees had more space round them?—Yes, grew much more pannage.

Mr. Ryder.

3265. Have any of the small commoners been driven away from the forest by the inclosures?—I could not answer the question; they may or may not.

3266. You do not think there is any material diminution in the number?—It must have injured them; there is no question of that.

3267. Still they are able to go on?—I could not answer that question; they may go, or may not go.

3268. You have not heard any complaint, so strong as to give you the impression that they are leaving in any numbers?—I do not know that I have, because I do not come in contact much with them, and I have not heard that; they may or may not.

3269. They are still able to make ends meet?—Yes, I think so; they may or may not; I could not say. I have heard the old people say that they were very much injured by the inclosures; several in Milkham, and all round the neighbourhood.

Mr. John Stewart Hardy.

3270. What money value do you put upon the forest rights attached to your tenancy?—It depends all upon the season.

3271. Take an average?—I could not say without going into it.

3272. Suppose you were to be absolutely deprived of your rights, how much would you expect your landlord to reduce your rent?—I should not think he would at all; I must take that into consideration; I must take it for better or for worse.

3273. Have you got a lease?—No.

3274. If you were deprived of any valuable right your landlord would take that into consideration, would he not?—Suppose I turned out 50 or 60 beasts into the forest, in a very dry summer my beasts may do nothing there, and the landlord would not alter the rent on that account.

3275. But supposing that you were deprived of all the rights, you would expect something to be taken off the rent?—Yes.

3276. What would that be on your farm?—I have not gone exactly into that; it would require a little consideration.

3277. Would it make a hundred a year difference?—It would make a great deal; I could not answer that question straight forward without considering it; it would be a great loss.

3278. As

Mr. Ernest Noel.

3278. As to your property at Burley, is it near Oakley inclosure?—Oakley is not very close, I should think.

3279. Is there any inclosure near you?—Yes, Linford.

3280. That is near your farm?—There is an inclosure just beyond my property.

3281. I thought your property was near Birley?—So is Linford, not very far off.

3282. Have the inclosures made your property less valuable at present for letting?—No; because I have not had it for many years.

3283. There have been no inclosures since you took it?—No.

Mr. Ernest Noel—continued.

3284. Do you know whether it is less valuable than it was when the person had it from whom you bought it?—I cannot answer that.

3285. If you built a cottage on your land, does that cottage have rights of turbary?—I believe not.

3286. Only the number that you have there now?—Only the number that I have there now. I could not answer the question positively, but I think so.

3287. You cannot increase the number indefinitely, as I gather from you?—I could not answer the question; I have heard not, but still I could not say.

Mr. Thomas.
22 June
1875.

WILLIAM PARNELL, called in; and Examined.

Mr. Cowper-Temple.

3288. ARE you a freeholder?—I rent some freehold.

3289. Where is that?—Fritham.

3290. Is it within the forest?—Yes; forest is all round it.

3291. How old are you?—Seventy-seven.

3292. Does the freehold you rent give you the right to turn out cattle?—Yes.

3293. What is the amount of the right; how many cattle can you turn out?—I turn out five; three cows and two heifers.

3294. Have you been in the habit of turning out cattle for many years?—Yes, more than these 40 years.

3295. Do you consider this right valuable?—Yes, very valuable.

3296. Is it of value to any of the labouring men who live near you?—It is to those who have got rights.

3297. Do you get wages in any other way for any other work?—No.

3298. When you were a young man did you earn wages?—Yes.

3299. Could you tell us a little what you think was the advantage that you got by these rights of turning out cattle?—The turning out belonging to the small places was as valuable as the places themselves pretty near.

3300. Do the cattle go out in the winter as well as in summer?—Yes; we turn them out in the day time.

3301. And supposing you lost that right, what would happen to you?—It would be a bad job if I were to lose it.

3302. Did you tell us how many acres you have?—Three and a-half.

3303. Could you live upon those three and a-half acres without the right of turning cattle into the forest?—No.

3304. Are you obliged to feed your cattle in the winter?—Yes.

Mr. Cowper-Temple—continued.

3305. Do you feed them on the produce of your three and a-half acres?—Yes.

3306. What effect have the inclosures near you had upon your rights of pasture?—The cows do not do so well since the inclosures were taken in as they did before.

3307. How far do they wander from your cottage?—Two miles sometimes, and sometimes not so far.

3308. What do you think is the value of your right in regard to mast?—Sometimes 5*l.* or 6*l.*; we get that at mast sometimes; it depends upon what pigs we have got.

3309. What is the largest number of pigs that you have kept in a year?—Fifteen or sixteen sometimes, sows and pigs.

3310. Do they get into the inclosures?—No; they do go into those that are thrown out, sometimes.

3311. Where is it that the pigs chiefly go for their mast or their pannage?—Bentley Woods a good deal, and down into Broomy.

3312. Do you hear that it has been purposed to inclose Anses Wood near Fritham?—Yes, I have heard it spoken of.

3313. And what will happen to you, then?—It will take away all the feeding part from Fritham. There is good feeding in Islands Thorns inclosure.

3314. Do you mean that Anses Wood is your best feeding ground, or all the feeding grounds within reach of you?—It comes up to the present field where they marked the inclosure out.

3315. And do you think when Anses Wood inclosure is made you will not be able to keep as many cattle as you keep now?—I do not think we should now, not without relying on victuals more.

3316. Do you see many visitors in the forest?—Yes, a good many sometimes.

3317. That is in the summer, is it?—Yes.

William Parnell.

DAVID KITCHER, called in; and Examined.

Mr. Cowper-Temple.

3318. WHERE do you live?—Near Beaulieu, Beaulieu Heath, I may say; a little place called Furzy Lodge.

3319. Are you a freeholder?—I have a little cottage and garden that is supposed to be freehold.

0.100.

Mr. Cowper Temple—continued.

3320. Do you exercise forest rights on account of that property?—Turf rights.

3321. Any other rights than turf rights?—Not myself.

3322. But your father?—Yes.

F F 2

3323. What

David Kitcher.

David
Kitcher.

22 June
1876.

Mr. Cowper Temple—continued.

3323. What rights does he exercise?—He has two acres of freehold land, and two cottages.

3324. And is where you live outside the manor in the forest?—Yes.

Lord Henry Scott.

3325. You exercise common rights, I understand you to say?—Turf rights.

3326. But do you turn out?—Well, I turn out sometimes.

3327. You are speaking, are not you, of your father's rights?—My father has got rights to turn out.

3328. And I suppose that he exercises them, does he not?—Yes.

3329. And what do you think, now, is the value of those rights to your father?—They are of great value to him, because he could not do on his little place without them. Those little places would not give a man enough to live without their rights.

3330. And there are a great many small freeholders all along, are there not?—Yes, there are a great many all along down Beaulieu Rails.

3331. And East Bouldre?—Yes.

3332. Do they find the forest rights of great value?—Yes, all the little places; they get their crops into it, roots of different kinds, and keep their cattle in the winter, and they have no place to turn their cattle into in the summer but the forest.

3333. Supposing that a man had two acres of land, or say five acres of land, and his forest rights were compensated for by his being given the same number of acres, would that be an equivalent to him?—It would not; because, you see, it is in small quantities, and being in small quantity it would not be enough to live off; not if a man had it in place of his rights. Neither would he be able to keep the cattle that he does now, because my father now keeps three head of cattle, and it would take four acres of land to support him without the forest.

3334. I suppose if you were paid in money, that would not compensate you, would it?—No.

3335. Do you know what is called Moon Hills inclosure; it is put down in the map as Hawk Hill?—I know Hawkhill, or Moon Hill, inclosure.

3336. Has that done much harm to the pasturage near you?—They have taken all the best of the pasturage there.

3337. Do you remember when it was proposed to take in a great deal more than that?—I do.

3338. If they had taken that in, I suppose it would have done a great deal more harm, would it not?—It would.

3339. What they call Beaulieu Heath, that is all very poor land, is it not?—Very poor land.

3340. It is only fit for turbary, is it?—Yes, it lies on a gravel.

3341. And that extends all the way from Hatchet-gate to right across to where you get to the inclosed land near Lymington, does it not?—It extends almost to the Bouldre.

3342. So that the inclosure which you call Moon Hills has taken away some of the only pasturage near you?—Yes.

3343. Did you know when any of these inclosures were going to be made; did you get any

Lord Henry Scott—continued.

notice?—No, we never got any notice, no more than seeing where it was marked out.

3344. That was the first knowledge that you had of their going to be made?—Yes.

3345. What do you consider the value of your pannage rights, turning the pigs out?—Sometimes more and sometimes less. They do pretty well when there is a good acorn mast; they get, perhaps, a pound a head, and perhaps more.

3346. What do you value your turf right at?—About 2 l., as near as I can say.

3347. Does it last you pretty well through the winter?—Yes, it does last through the winter, with a few faggots to burn with it.

Earl Percy.

3348. What do you pay for your faggots?—According to the size, 5 s. 6 d. and up to 10 s. a hundred.

3349. Would it be dearer to burn wood than to burn turf, supposing you had to get it?—It would be dearer, because it burns out faster.

3350. With all this wood about the place, why cannot you get it?—Half our time we should not be able, and if it went into the fires it would be more scarce; now we cannot get faggots.

3351. A good deal of thinning goes on in the forest?—Not in the forest much.

3352. What is your best ground for pannage?—Pennerley Wood and Frame Wood, and Tauton Heath.

3353. Are there many oak trees in Frame Wood?—Yes, there are a good many in Frame Wood.

3354. They are all very young, are they not?—Not in what we call Frame Wood; it is big timber. Frame Heath is a plantation; that is small. Frame Wood lies between two plantations, between Frame Heath and Hawkhill inclosures.

Mr. John Stewart Hardy.

I see they proposed to inclose Frame Wood at one time; where would you have got your nearest pasture if that had been inclosed?—All we should have had then would have been Beaulieu Heath; it would hardly be worth calling pasturage at all if they had inclosed the other.

3356. You would have had no pasture nearer than Brockenhurst?—We should not.

Mr. Ernest Noel.

3357. Are you limited in the quantity of turf that you may cut, or do you take just as much as you like?—We generally take a fair rick, about 4,000; the people in the cottages round have them something of a size.

3358. But if you like to take more, might you?—I do not know how that might be. It is put on your ticket what you have got to have. You have a ticket from the forest keeper.

3359. And if you took more than that, the forest keeper would look after you, would he?—We do not want more than that, if it is good-sized turf.

3360. Four thousand would keep you going for the winter, with a little wood?—Four thousand good turves would be plenty.

3361. That comes from Beaulieu Heath, I suppose?—Yes.

3362. And where you take the turf off, the land that remains is worthless?—Some of it is, close to the stones where we cut the turf; we cut

Mr. Ernest Noel—continued.

cut them on the stones; and some is a little better soil; that goes deeper, three or four inches.

3363. And does the turf grow again?—Yes, next summer it will begin to grow, and you will see the young heath coming up again. Round the borders of where the turf is cut it comes first, and gathers till it meets together.

3364. And in the course of a certain number of years would you be able to cut in the same place again?—Yes, in good ground, in five or six years, if it were left to bide, it would get up turf again.

Mr. JAMES SEAGER, called in; and Examined.

Mr. Cowper-Temple.

3367. WHERE is your freehold?—In the parish of Bouldre.

3368. What size is it?—Eight acres.

3369. Do you occupy that, or do you let it?—Let it.

3370. And are you the tenant farmer of Pennerley?—I am.

3371. How long have you been a tenant of that farm?—I have been a tenant since 1811; my father and grandfather were before me on the same farm.

3372. Are forest rights attached both to your freehold and to the farm?—Yes.

3373. And have you exercised forest rights all your time?—I have.

3374. And what do those rights consist of?—The rights on my freehold consist of turbary and pasturage for the cattle. The rights on the farm that I now rent are rights for the horses and cattle and sheep and pigs, and anything you may like to turn into the forest, to any extent.

3375. Any four-footed animals except goats; is that it?—Any four-footed animals except goats.

3376. Is that an advantage, do you find, to turn out sheep?—I do find it so.

3377. Are these rights worth much?—They are.

3378. Can you tell us what they are worth to you?—I could not undertake to say what they are really worth. If I had not got the right, I could not give so much rent for my farm, not by near.

3379. Is it a convenience to you that the cattle should be able to wander about the forest in the winter, even when they cannot get much food?—It is.

3380. Does it keep them in health?—It does.

3381. But have you to feed them in the winter yourself?—I have the cattle, not the colts.

3382. The ponies can find their own living?—The ponies would find their own living.

3383. Have you ever been prevented from exercising those rights by any order?—Never.

3384. And was you, father before you ever restricted?—Never. I never heard of it.

3385. Do you remember any attempt being made, after the Deer Removal Act, to restrict the cattle?—No, not to me.

3386. Now, do the forest rights attached to your freehold property enable you to obtain more rent for that freehold?—Of course they do.

3387. How much?—Ten shillings an acre.

3388. And supposing you were to sell your 0.100.

Lord Henry Scott.

3365. Where you cut turf, you cut one and leave three, do you not?—Cut one and leave two.

Mr. Cowper-Temple.

3366. Supposing the officers of the forest were to give you wood to burn instead of turf, should you be glad to change?—As for myself, I should rather have the turf; and I think the greater part of the people would take the turf still, because it holds in a fire a long time when wood is burnt out in the cold winter evenings, and it is soon gone.

Mr. Cowper-Temple—continued.

freehold, do you think that these forest rights would increase the amount of money that you would get for the property?—Certainly I do.

3389. To the extent which you mentioned, about the rent of 10s.?—I should think it would.

3390. What amount of turf rights do you have for your freehold?—I believe it is 6,000; I am not certain.

3391. And what do you think is the worth of that turf right?—I should think 6,000 is worth 4l. to the place.

3392. How many turves do you draw from the rights attached to your farm?—Fourteen or 15 loads. We have loads of turf; we are supposed to take about 1,300 a load, sometimes more sometimes less.

3393. Would it make a great difference to you if you lost that right?—It would, and to any tenant on the farm.

3394. And supposing you had wood given you instead of turf, how would it be then?—The turf is so much value for manure, for using it on the farm for turnip drilling, and other things.

3395. You use the ashes after you have burnt the turf?—Yes.

3396. And you find those ashes particularly useful for cultivation?—Yes.

Mr. John Stewart Hardy.

3397. Where is Pennerley farm?—In the parish of Beaulieu.

Mr. Cowper-Temple.

3398. Do you consider that the cutting of turf does much injury to the soil?—Not in the turf land.

3399. Not in land which grows nothing but heath?—No; there is land which grows nothing but turf, and that is what they call turf land, and then you could cut it, and cut in four or five years again.

3400. And where the turf grows, would anything grow that would make good food for the cattle?—No.

3401. Supposing that the small commoners, of whom I believe there are a great many round you, were to lose their turf rights, what would be the effect on them?—The same effect as in my own case, according to the same right.

3402. Do you know what you estimate the value of mast or acorns at?—Ten shillings a pig. I should average it for years.

3403. Have many inclosures been made in the neighbourhood of Beaulieu district?—Yes, since my remembrance.

F F 3

3404. And

David Kitcher.

22 June 1875.

Mr. Seager.

Mr. Seager.

28 June
1875.

Mr. Cowper-Temple—continued.

3404. And what sort of land was inclosed?—Some of the best of the land; the best pasturage.

3405. And any of the heath land inclosed?—Not much.

3406. Some small portions?—There might be some small portion of heath land in it, but not much.

3407. And tell me with regard to Frame Heath inclosure?—It was called Frame Heath; it was not heath land, but pasturage land, although it was called Frame Heath.

3408. It was land that produced good grass?—It was land that produced good grass. I have seen hundreds of cattle feed in that very pasture; deer and other things.

3409. There has been a proposal to inclose some land under the name of Hawkhill Inclosure; what sort of land is that?—The best pasturage, and the only pasturage now, near the estate.

3410. If it were removed, where would the cattle that now go there find their living?—If it were inclosed, my cattle would have something like three miles to travel if they went into the forest at all; now they are not more than a quarter of a mile off.

3411. When they had got their three miles, would they find good pasture?—No, open heath land.

3412. They would not find any lawns?—There is a little; that is the property of Mr. Drummond.

3413. Is there not a great quantity of land inclosed; do you know how many acres are inclosed in that direction?—I could not say how many acres; I know the inclosures well by name, but not how many acres.

3414. Do the notices reach you when it is proposed to make any inclosures?—No, I never heard of it, not till I see them marked out.

3415. Are there no means by which you and other people near you can be aware of what is going to happen?—No.

3416. Will you tell me what you think about the labouring population in your neighbourhood; are they well-conducted people?—Yes, in general, they are.

3417. Are there poachers about, that you know of?—I could not say that there are, no more there than there are elsewhere in the rural districts at all.

3418. You can say that they are just as honest and well conducted a population as any other?—I should say that we have less convictions in the forest than we do in the rural districts.

3419. I think that the Crown has sometimes advertised the lodges in the forest belonging to the Crown, that were to be let?—Yes.

3420. Have they, on those occasions, mentioned the forest rights as one of the advantages

Mr. Cowper-Temple—continued.

of the lodges that they had to let?—Yes; there are two lodges let, Whitley Ridges and Lady Cross, under those advantages now.

3421. And do you know what addition to the value was given by the mention of these forest rights?—No, I could not say that; because you see they advertised the rights and the shooting with it.

3422. Are the forest roads much cut up by the work done by the Crown?—Very much, and they do not contribute anything towards it.

3423. Then who has to pay for the repair of the roads?—A good deal of it is done by subscription, and some of it is put to what is called Denny Township now; what used to be extra parochial, is put into a new parish, and they have to repair some of it.

3425. And yet you consider that the chief damage is done by the timber belonging to the Crown?—Yes.

Mr. John Stewart Hardy.

3425. You said that in some of these inclosures a certain amount of heath land is inclosed; how do the trees grow upon that?—Some of it will grow fir trees.

3426. It will grow the fir tree, not the oak tree?—Not the oak tree.

3427. Is land often sold in that neighbourhood?—No.

3428. What sort of price does it fetch an acre when there is any land sold?—I do not know that there is any sold round there; the land round there belongs to an estate that is not sold.

3429. But you said that you had a freehold here, and the last witness had a freehold here, somewhere in this part?—But that was left to me.

3430. Have you any notion what sort of price the land would fetch?—Some more, and some less.

3431. £. 35, do you think?—Yes, about that I think; some might fetch more, and some not so much; that is land that is inclosed, I do not mean forest land.

3432. That is land that is in cultivation with forest rights?—Yes.

Lord Henry Scott.

3433. In what is called Penerley Wood, is there not what you think two very fine lawns, Halfpenny Green and Meynards Bottom?—Yes.

3434. Those are the best lawns?—The best anywhere in that district.

3435. Those were proposed to be inclosed in that blue line?—Yes.

3436. If that had been taken from you in that direction you would have had no other place to turn the cattle into?—No.

THOMAS CHATER, called in; and Examined.

Thomas
Chater.

Mr. Cowper-Temple.

3437. How old are you?—Sixty-seven.

3438. Where do you live in the forest?—At Brook.

3439. Under whom do you rent land?—Under Sir Henry Paulet.

3440. For what length of time have you rented land?—Thirty-three years.

Mr. Cowper Temple—continued.

3441. Have you exercised forest rights by the turning out of cattle?—Yes.

3442. And will you tell us what cattle you turned out, what number, and what sort?—I turn out three or four heifers in the summer season, and about half a dozen milch cows.

3443. And any pigs?—Yes, in mast time.

3444. Any

Mr. Couper-Temple—continued.

3444. Any ponies?—Every now and then a pony or two.

3445. What number of acres does your land consist of?—About 20 acres.

3446. Are these rights worth much to you?—Yes, they are.

3447. Will you tell us what the effect has been of the inclosures near where you live?—They are a great injury to me and to all the inhabitants besides.

3448. Will you mention the names of the inclosures that you find fault with?—Priors Acre.

3449. Any other?—There is no other very handy to me.

3450. And before that was inclosed was the land good for grazing?—Yes, a great deal of wood in it and some grazing land. It grew a great many acorns and beech nuts.

3451. At that time there was good pasture under the trees?—Between the trees there were some lawns; there were some very thick woods and some very fine timber indeed, and it grew a great many acorns and beech nuts as well.

3452. Is Highland Water far from you?—About three miles from me.

3453. And King's Garn Gutter?—That is near to Prior's Acre.

3454. And was there good pasturage in those inclosures before the trees were planted?—In part of it; a part of it had a lot of timber on it.

3455. Are there some inclosures which have been thrown out; do you know the Copse of Linwood?—Yes.

3456. Is there any pasture in that?—Not a great deal.

3457. Is the grass on it sour or sweet?—There are a great many young oaks coming on there, and there is not much pasture of any account that grows under the trees. There are a few plots of lawn in it, but not very many.

3458. And the young oaks grow pretty freely there?—The oaks grow, but the pasture is not of much account. There are a few acorns that grow on the oaks.

3459. Is it the practice to cut fern in that wood?—Yes, you have fern by paying for it.

3460. And does not the cutting of the fern prevent the young trees getting up?—Not when they are cut.

3461. They were not cut by the scythe before?—No, it was not thrown out before the trees got fit.

3462. Did the inclosure of King's Garn Gutter stop a road which you were in the habit of using?—Yes.

3463. Where did that road go to?—To Ringwood from Brook.

3464. Do you know whether it was suggested that this inclosure should stop at Prior's Acre bank?—It was proposed to be at the old bank.

3465. And would that have left the road that you have mentioned before?—Yes.

3466. And was the inclosure made, notwithstanding, so as to stop up the road?—Yes; the inclosure stops the road now, but it would not if it had gone up the old bank.

3467. What has been the effect on the value of the pasturage in Braomshaw by the stopping up of that road?—I might say that 20 acres of good pasture were taken in by stopping up the road; about 20 acres of very nice lawn.

3468. Do you find that the forest rights increase the value of the land, either for letting or for selling?—Yes; the land would not be worth 0.100.

Mr. Couper-Temple—continued.

so much by a good bit per acre, if we had not got the turn out.

3469. What do you think is the worth of the right of turbary?—About 10 s. a thousand.

3470. And the value of the pannage?—That is about 10 s. a pig.

3471. Do you think that the land from which the turf is cut is capable of growing trees?—Some of it has a thicker soil than others; some of it is very shallow; where it is on the gravel and the sand it will not grow very fine timber.

3472. In reference to that wood you mentioned, Prior's Acre, was any wood cut down by the Crown before the inclosure, old trees before it was planted?—Yes, hundreds of trees were cut down, very fine wood, oak and beech too, before it was planted.

3473. Really large trees?—The finest lot of timber we had in the New Forest, I suppose; there was no finer wood than we had in Prior's wood before the inclosure was planted.

Lord Estlin.

3474. Could you answer me this question, from your knowledge of the forest, are you of opinion that the commoners' right of pasturage, and other rights, are pretty fully exercised at the present time?—Well, I suppose they are.

3475. Do you think that the number of cattle, levant and couchant, as the phrase is, which the commoners are entitled to send into the forest, are, as a rule, sent in every summer?—I would not say whether so many are sent in as there have been in some years, because I think since the inclosures have been taken in there is not the feed for them, and a good many people that have got rights declined to turn them into the forest, because the inclosure took all the best land. There is no keep for the heifers, as all the best lawns have been taken in.

3476. You have known the forest for a great number of years?—I have known it for 50 years.

3477. Do you think that 50 years ago there was a very much larger head of cattle depastured in the forest than there is now?—Yes, a good many more, and a good deal more victuals for them.

Sir William Harcourt.

3478. Which are the inclosures that have damaged you?—Prior's Acre.

3479. I see the greater part of it was inclosed long ago?—It is a good many years ago when old Prior's Acre was inclosed.

3480. But how much has been inclosed lately of Prior's Acre?—I do not exactly know how much.

3481. Do you know Longbrach-hill, is there any pasture at all there?—That inclosure is, I suppose, part of the new inclosure taken in; there is Blackhole inclosure close to Longbrach, but that has been thrown out a good many years.

3482. Is there any feed there?—A little, not a great deal.

3483. The part which has been recently inclosed is very little, is it not; how much has been taken in in the inclosure in Prior's Acre, 300 acres?—Yes, or a little more rather than less.

3484. Where do your cattle go now?—In a place called Burnt Furzen.

3485. It is only the loss of that inclosure of about 300 acres that has damaged you; your cattle have got all the rest they had before?—Speaking of this 300 acres, a part of it was very good feeding land, a good many acorns and beech nuts grew there.

3486. Are

FF 4

Thomas Chater.

22 June 1875.

Mr. THOMAS SMITH, called in; and Examined.

Mr. Smith.

22 June
1875.

Mr. Cowper-Temple.

3486. ARE you the bailiff on the estate of Mr. Eyre?—Yes.

3487. Are there among his tenants a considerable number of people living in small cottages, who exercise forest rights?—Yes, 19.

3488. Could you give us a general idea of the amount of cattle that they turn out?—These 19 vary from 20 acres to one acre, and they all turn out according to what they have got. Some will turn out one cow, some will turn out as high as four or five heifers, and some will turn out more or less according to what they can do.

3489. Do many of them eke out their living by the wages of labour?—Yes, there are some of them that I have working with me; several of them will have one acre of ground, some will have four, some will have five, and will keep a cow, some will keep a cow and a heifer, some will keep two cows and a heifer, and they work for us as daily labourers.

3490. And what would be the effect to them of losing their rights altogether?—Then they would lose their cows, they could not keep them; I know several families which I am in communication with every day, they all follow up the rights that they respectively have, and take the forest rights away, and they would have to go.

3491. Do they use the cows for producing milk?—Yes, and I know several people who will say "I shall buy two or three pigs now, and turn them out, which will pay my rent," whereas if they had not forest rights they could not do that.

3492. Have you formed any estimate of the money value of these rights to those people?—I think to them it is almost invaluable; I think I could hardly estimate to these people the value of it.

3493. It would affect the comfort of their lives so greatly?—Yes.

Mr. Ernest Noel.

3494. Are wages very low for those labourers who have there small plots of land?—Eleven shillings to twelve shillings a week, and they are enabled by having a forest right in an acre of ground to keep a cow and turn out in the forest, and then this acre of ground supplies food in the winter for the cow, and then they can get a comfortable living.

3495. Are other labourers about there better paid?—Not many; that is the average of our district, from 11 s. to 12 s. a week.

3496. And therefore those who have not there patches of ground are very badly off?—All our labourers have got forest rights to turn out pigs, even if they have no ground attached to the houses; three or four I have sold pigs to from the farm, to enable them to turn out pigs, so as to be able to pay their rent.

3497. Then none of your labourers are without forest rights?—No, if they have not land they have what they call pannage, and all of them have turf rights.

3498. If it were not for these forest rights wages would have to go up?—Something must be done or the poor people would starve.

3499. Are the wages in that part lower than the average of the county, do you think?—No, I do not think so.

3500. Then, on the whole, the people there

Mr. Ernest Noel—continued.

must be decidedly better off than other labourers in the county?—They get a comfortable living.

3501. If they have got the average wage of the county, and at the same time are able to keep a cow or a number of pigs, they are a good deal better off, does not that follow?—You know that it depends a good deal on a man's wages what he is.

3502. Do many of these cottagers have fuel rights?—Several of them, but not all; but all have turf from 2,000 up to 3,000 and 4,000 turves; that is generally what they have.

3503. But I suppose that is charged to them in the rent of their cottages, is it not?—They pay so much for the cottage, and take the house with the forest rights.

3504. And if it had not the forest rights they would give less rent for the cottage?—Yes, they must.

3505. What is the average price of a fair cottage?—1 s. 6 d. to 2 s. a-week.

3506. With the forest rights?—Yes, that is a cottage alone.

3507. But with the forest rights?—Yes; and from 2 s. to 2 s. 6 d. with backward and forward gardens; from 4 l. to 5 l. a-year.

Sir William Harcourt.

3508. And if they had an acre of land besides, what would they pay for that?—A good acre of land is worth, it may be, a sovereign.

3509. The pannage, I understand you, goes, without any land, with the cottage?—Yes.

3510. As a matter of course?—No, as a right.

3511. I understood you that they all had pannage?—Very nearly all; there may be exceptions, but very few.

3512. Is it understood that every man who has a cottage in the forest has the right of pannage?—No, though I dare say some of them turn out without the right of pannage.

3513. Whereabouts do these 19 tenants you speak of live?—From Plaidford Common, all round, and down to Brook.

3514. Are they mostly outside the forest?—Just bordering on it.

3515. Have they suffered particularly from the recent inclosures?—They have suffered to an extent.

3516. What inclosures have they suffered from?—This Prior's Acre is generally the feeding ground which these cows and heifers resort to, and these at Plaidford Common turn into this Plaidford Common; and then they have a right to go to the forest if they please.

3517. They are some way from Prior's Acre, are they not?—Not far; about a mile or a mile and a quarter.

3518. How long have you had to do with them and known them?—Six and a half years.

3519. You cannot tell me whether they keep less cattle or more than they used to do?—I do not see much difference in them since I was there, but I hear them complaining that there is not so much feed as there used to be.

Earl Percy.

3520. Did I understand you to say that the wages of labourers outside the forest are 11 s. a week?—11 s. to 12 s. in my district.

3521. In

Earl Percy—continued.

3521. In your district they all have forest rights?—Yes, most of them.

3522. But in the district where they have not forest rights, how is it?—All Mr. Eyre's tenants that I have to do with have, or nearly all have, got rights.

3523. You do not know what the wages of tenants who have not rights are?—No.

3524. I think your former answer gave the Committee the impression that the wages of labour in the forest were, to your knowledge, the same as those in the county?—I think they are pretty much about the same.

Chairman.

3525. Do you understand that if Mr. Eyre builds a new cottage the person who lodges in that cottage exercises forest rights?—No.

3526. Then it is only the old cottages which give the forest rights?—Yes; as far as I believe all cottages built before 1,800 have forest rights; all that have been built since have not. I have heard that.

3527. Whether they had a claim then or not, they are recognised as having forest rights now?—If a cottage should get old and uninhabitable, and they pull it down, and then put one on the same site, it will hold its rights, and if you move it, it loses its rights. It is the ground that holds its rights as far as I know.

3528. Is any payment made for those forest rights by the occupiers of the cottages?—Yes, a forest due; I pay it every year.

3529. What do you pay?—I am sure I could not say now. There is a Mr. Thorne, from Canterbury, who collects it. What they call the smoke pence and the forest dues are combined together now.

3530. I find here in the Award of the Commissioners of 1854, a declaration that "Every right of commons and mast is to be exercised only in time of pannage"; and that "The allowance is made upon payment, unless expressed, yearly to or for the use of Our Lady the Queen for every hog or pig exceeding the age of one year, 4 *d.* and for every hog or pig under that age, 2 *d.*"?—Yes.

3531. Is that the payment made by the occupiers of these cottages?—Yes, that is made; 4 *d.* for a hog, and 2 *d.* for a pig.

3532. And is that exacted?—Yes, it is

Chairman—continued.

exacted, as far as I know. We do not turn out pigs ourselves, though Mr. Eyre has got the right to do so. We turn out a few forest colts.

3533. Do you know whether there is any authority exercised in the forest to prevent persons turning out cattle, ponies, or pigs, who have not the right to do so?—Yes; there is what they call a drift day every year; and I send a man myself every year to go round with the keepers, and every colt, for instance, which is not claimed, or which has got no right to be in the forest, is put in the pound. I send myself a man round with the keepers every year.

3534. Is that on a fixed day?—It is a fixed day for the purpose.

3535. So that everybody has opportunity of removing his cattle beforehand?—It would be difficult for them to do so; besides they do not know when the day is to be.

3536. Then it is not a fixed day?—It is a fixed day by the keeper, but then it is kept quiet by the keeper. It is not a certain day every year. The keeper lets me know the day before that he is going to drive the forest, and I send a man round with him.

Mr. John Stewart Hardy.

3537. You say you think that a good many people turn out pigs probably who have not got the right to do so?—I say it is possible.

3538. In that case do the Crown collect the payments of 4 *d.* and 2 *d.* from those people?—I do not know. Those that have got rights pay for them, because a man comes round and collects it, and he only goes to those that have the right.

Sir W. Harcourt.

3539. I understand you to say that people there are doing pretty well now?—They get a fair honest living.

Lord Henry Scott.

3540. Was it not proposed when Prior's Acre was taken in, to include a very much larger area than that originally?—I was not there then.

3541. You could not speak therefore as to that?—No, I could not speak as to that, but I have heard people say so. That was done the year before I came to Mr. Eyre.

Mr. Smith.

22 June
1875.

Friday, 25th June 1875.

MEMBERS PRESENT:

Mr. Alexander Brown.
Mr. Cowper-Temple.
Lord Eslington.
Sir William Harcourt.
Mr. John Stewart Hardy.
Colonel Kingscote.

Mr. Ernest Noel.
Earl Percy.
Mr. Ryder.
Lord Henry Scott.
Mr. William Henry Smith.
Mr. Edward Stanhope.

WILLIAM HENRY SMITH, ESQ., IN THE CHAIR.

Mr. HENRY FAWCETT, a Member of the House; Examined.

Mr.
H. Fawcett,
M.P.
—
25 June
1875.

Mr. Cowper-Temple.

3542. ARE you Professor of Political Economy at Cambridge?—Yes.

3543. I believe you have given your attention to the question of the expediency of inclosing all the waste lands of England, with a view of increasing the food of the people?—Yes; I have given a good deal of attention to the subject; and even looking on it purely as a question of political economy, my strong opinion is, that Parliament could scarcely adopt any policy which, even from economical considerations, would be more injurious to the people than the inclosure of all such waste lands. The injury inflicted on them by having those open spaces destroyed would, by no means, be compensated for in having an additional supply of food.

3544. Does that opinion arise from the limitation of land in the United Kingdom?—The land in the United Kingdom is no doubt, limited; but I think that in a country which is rapidly increasing in population, those open spaces produce a very beneficial effect on the health, and I might also say on the moral character of the people, which it is impossible to overestimate. I would not go so far as to say that no open spaces ought to be inclosed, but I think that every proposal for inclosure ought to be watched with the greatest care.

3545. Are you well acquainted with the New Forest?—Yes, I am well acquainted with the New Forest, because I have lived a great part of my life within about eight miles of it. I was born at Salisbury, and I have lived a great part of my life between Salisbury and the New Forest; I am thus acquainted with the forest and the people who live in it.

3546. In your opinion, what is the distinctive character of the forest?—I have no hesitation in saying, from knowing it intimately, that it is an open space perfectly unequalled in its character; it possesses a beauty which certainly no other open space in the kingdom, known to me, possesses; and I should even go so far as to say, that no park that I have ever seen has the particular kind of beauty which is possessed by the New Forest.

3547. Do you consider that the system of plantation adopted by the Department of Woods as to the New Forest, is injurious to the cha-

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racteristic beauty of the forest?—We must remember what the distinctive feature of the beauty of the New Forest is, that it is not a forest in the ordinary sense of the word. That gives no adequate idea of it. There are scattered trees grouped in the most beautiful way, and they derive a great part of their beauty from the open glades and wide stretches of heath with which they are interspersed. Nothing can be more unlike the New Forest than close and dense woods. The plantations you refer to, so far as I remember them, and as they were described to me, are square rectangular blocks of closely-planted ground, which are as unlike the distinctive features of an open forest as anything could well be conceived to be.

3548. Do you consider that the value of the New Forest to the nation is great, independently of the money that arises from it, and is paid into the Exchequer?—I think it is nearly impossible to overrate its value. I think it would be impossible to measure it by any money sum; and we have to consider this; it has always been valuable, but as the means of communication increase, and as the country increases in population, its value every year increases. So far as I know, and am able to judge with regard to the forest (and often, when I have a Saturday to spare I visit it), the number of people who visit it is rapidly increasing every year. I have heard this remark made again and again, by people who have been there. They have said the first time they have seen it, "How could we have been within two or three hours journey of such a beautiful place, and never have seen it? We have travelled hundreds and thousands of miles in Europe to study scenery, and yet never saw anything so beautiful as this."

3549. Are you conversant with the merits of the dispute which is engaging the attention of the Committee between the commoners and the Department of Woods?—No, I am not; I think it involves many legal points on which my opinion would be of no particular value. I can only express an opinion as one of the public, who feel that if they lost this forest the same kind of injury would be inflicted on them as a gentleman would feel if a park surrounding his house was destroyed, or its characteristic beauty ruined. So far

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far as the question between the commoners and the Woods and Forests, or the commoners and the Crown is concerned, I could only say this; so far as I know, the commoners in the New Forest, and I refer particularly to the small commoners, I think they are a class whom it is particularly important to preserve; I have been often struck with their independence, and I think that they are a class admirable in every respect. It would be a very great hardship upon them if anything were done to curtail their common rights, and to deprive them of their present means of obtaining a livelihood.

3550. It has been suggested that the Crown lands are not used now in the way which many of the people desire, because of the reversionary interest which the successors of Her Majesty have in it; do you think that if the capital be preserved, the question of the reversion need not interfere with the present use of the forest?—I think that the Crown property is held by the Crown as trustee for the public, and I think all that the House of Commons has to consider is, the best way in which that property can be used for the advantage of the public. I know that that point was raised in the House of Commons on the question of the Thames Embankment; I mean the question with regard to the reversionary interest of the next successor to the Crown. If it could be proved that in keeping the forest open, you were inflicting any pecuniary injury on the successor to the Crown, of course, regarding it from an individual point of view, it would be perfectly right to compensate the Crown for that loss. But the important question to consider is, in what way can the forest be used so as to be most advantageous to the public. I do not know whether the fact has been brought before the Committee, but in a debate which I well remember took place in the House of Commons upon what seems to me a kindred question, namely, the question of the Thames Embankment, the Chairman of this Committee moved an Address to the Crown when the late Government was in office, and he laid down in that speech exactly the opinions which I hold with regard to the New Forest; those opinions were received with great approval by the House of Commons, and although Mr. Smith was opposed by Mr. Gladstone, who was then Prime Minister, in a speech which rested on the notion that the House of Commons had no right to deal with a reversionary interest of the Crown, Mr. Gladstone, though he was at the head of a large majority, was defeated in a full House by a large majority at that time; I do not know whether the Committee would think it was out of place if I summarised in a few sentences the arguments which were ably advanced on that occasion by Mr. W. H. Smith on the one hand, and by Mr. Gladstone on the other hand. They seem to me to state the case succinctly on both sides. In moving an Address to the Crown, Mr. W. H. Smith said, "He held the Crown to be in the position of a trustee for the public good. He held that the ancient land which belonged to the Crown, under the circumstances was held only for the public pleasure, and the public advantage. It would be a great abuse of those rights if they were so exercised as to deprive the people, who created the ground, of the advantage of it." Mr. Gladstone said, "During the lifetime of the Queen the Crown is possessor of this property as a trustee, in like manner as it is

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possessed of the Custom House or other public buildings; and in the management of that property the House of Commons may be said to be the adviser of the Crown. But this House, so far from being the counsellor of the Crown in the future, has no more right to touch that property prospectively, to interfere with its productiveness, or to govern its uses, from the moment that a change has been made in the person of the Sovereign than it has to interfere with the estate of my honourable friend himself, for this is the right of the Prince of Wales as heir of entail. The House of Commons has no right whatever to give any directions, even in the way of advice to the Crown, touching the use of that property, except such powers as are by distinct Acts of Parliament conferred upon us." On a division the Government were defeated by a majority of 50. I think those short extracts very ably state the case on both sides. As far as my own individual opinion is concerned I cordially supported Mr. Smith when he brought forward his motion; and so far as I am able to judge of the feeling of the present House of Commons, I believe if a similar question were raised, and a similar Address moved, the present House of Commons would support by a still larger majority the arguments of Mr. Smith. I would further remark this, that taking much interest in the subject at the time, I carefully noted the expressions of public opinion on this debate, and I believe that without a single exception, even taking the journals which were the greatest supporters of the Ministry, every newspaper in London and almost every newspaper in the provinces, most strongly supported the views advanced by Mr. Smith, and very strongly condemned the opinions advanced in that debate by Mr. Gladstone.

3551. Do you think that those who held the same view as Mr. Gladstone on the Thames Embankment question, would have as much ground for taking the same view with regard to the New Forest?—Yes, certainly, I think it is a very parallel case; there may be a difference, but the essential principle with regard to this question of the reversion to the Crown is the same.

3552. Is it not the case that in the question of the forest, there is not the same conflict of interest between the present demand and the future interest of the Crown, as there might have been in the question of the Thames Embankment?—Just so; but there were no commoners in the Thames Embankment; so that you must consider them also; but I think it was not only the case of the ratepayers of London in this matter of the Thames Embankment, for the whole of the country had an interest in it, and it was felt that the Thames Embankment should be used not for purposes of profit, but for the purposes which would be most advantageous to the public at large.

3553. Do you think that public opinion is strongly in favour of maintaining the forest in its present condition of beauty?—So far as I am able to judge, having taken great interest in the subject ever since I brought forward a resolution in the House of Commons three or four years ago, on no public question that I have ever been interested in is there a greater unanimity of opinion from persons of all political parties. I presented several petitions yesterday, and distinguished persons of all parties and all professions signed those petitions; and certainly I think that

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that exhibits a most remarkable unanimity of opinion.

Lord Eslington.

3554. Will you kindly mention, generally, the terms of the Resolution which was moved in the year 1871, and which was adopted by the House?—I can give the Committee the terms of the Resolution, and I will state my object in moving it. My object in moving that Resolution was this: in walking about the forest, which I was very fond of doing, I heard a great many people say, that some ornamental timber had been destroyed, and that there was danger of other trees of great beauty being cut down, and especially trees in that most beautiful part of the forest known as "Mark Ash." Directly I returned to the House of Commons, I moved a Resolution to suspend the cutting of this timber and to prevent further inclosures, until Parliament had looked into the matter.

Mr. Cowper-Temple.

3555. Can you state to the Committee the terms of the Resolution which the House adopted?—Yes; it ran: "That, in the opinion of this House, pending legislation on the New Forest, no felling of ornamental timber and no fresh inclosure should be permitted in the New Forest, and that no timber whatever should be cut except for the purposes of thinning young plantations, executing necessary repairs in the forest, and satisfying the fuel rights of the commoners." I might mention, as an illustration of the feeling in the House of Commons, that that Resolution was in the first instance opposed by Mr. Baxter, who then was Secretary to the Treasury, on the part of the Government, and I was very much pressed by the Government to withdraw it; but I found that there was a strong opinion in the House on the subject. Many Members on both sides spoke in favour of it, and I would not accept the suggestion of the Government to have the motion withdrawn, but I said I should certainly have it, if possible, placed as a record on the books of Parliament, and the feeling in the House was so strong that ultimately the Resolution was carried unanimously.

3556. Can you state to the Committee the petitions which you have presented to the House with regard to this matter?—Yes; I presented a petition yesterday signed by the President of the Royal Academy, by 19 Royal academicians, and by 12 associates of the Royal Academy, in which, looking on it as a question of art, they most earnestly entreat that the House will not do anything which would in the least degree destroy the forest; they expressed the opinion that in it they possessed a park of unequalled beauty; that it was one of the most beautiful places, not only in England, but, I think they say, even in Europe; that it was one of the best possible schools for art that the nation could possess. On that point I would venture to express the opinion that it seems to me it would be very inconsistent at a time when the Government of the country recognises as part of its functions the devoting of public money to encourage art, by building museums and national galleries, and purchasing pictures, that for the sake of earning a few thousands a-year additional revenue they should go and destroy what, in some respects, may be considered a far more valuable artistic possession to the nation than any picture

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or any gallery, or any museum. I also presented a petition of a similar kind, which was signed by all the influential members and associates of the Society of Water Colour Painters; and I presented a petition which was signed by very many of the most distinguished persons in literature and science in the country. I remember some of them, which perhaps I may mention to the Committee, if they will allow me to do so; they included the names of Mr. Browning, Mr. Carlyle, the Dean of Westminster, the three keepers of the scientific collections at the British Museum, Cardinal Manning, Monsignor Capel, and many members of the House of Lords of different politics, the Duke of Rutland, Lord Radnor, and some well known Conservatives, and many of the leading clergymen in London, all of whom expressed their strong opinion of the great importance, in a national point of view, of preserving the forest, not only because it would conduce to the health and enjoyment of the people, but would also afford an admirable opportunity for the cultivation of art, entomology, botany, and other sciences.

3557. The petition was signed by Mr. Ruskin, Dr. Hooker, and others, was it not?—Yes. I may add that there was one other petition presented by the Entomological Society, which was signed by several most eminent entomologists and botanists. There were two other petitions which it is worth while to bear in mind, as they show the wide interest felt in this subject. Those petitions were signed by people not only residing in London, but also by people residing in various parts of the country. I saw several signatures that even came from a place so far from the forest as Sheffield. All those petitions expressed a most earnest hope that nothing should be done to destroy the beauty of the forest.

3558. I suppose you see no reason for the allegation, that the interest felt in the New Forest is local, and belonging exclusively to the neighbourhood of the forest?—I feel perfectly certain that it is not the case. I can express the opinion with great confidence from the letters I have received on the subject. I believe that I have received more letters from other parts of the country on the subject than I have from the New Forest itself. I have not the least doubt whatever that, if necessary, most influentially signed petitions could be obtained from any town in the kingdom. I believe that if anything was done to destroy the forest, it would excite throughout England a wide-spread feeling of great disapproval, and that the country in general would not think they were in the least degree compensated, if it could be proved that the additional revenue that could be obtained out of the forest were five or even ten times as much as any estimate which I have seen of the probable amount. I may mention that the resolution which I have quoted, was obviously a partial resolution. I did not intend it to cover the whole subject; it was only to stop as far as possible an immediate and pressing danger.

3559. Did the Resolution attain the object which you had in view?—Yes, I believe so. I have been down to the forest since, and have made inquiries. I have gone down there several times on purpose, and I believe that Resolution has been faithfully carried out. I have heard that the Commissioners of Woods and Forests do not consider that they are bound by this Resolution

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tion any longer; they think that it simply bound them as long as the late Parliament sat, and that the Resolution was, as it were, cancelled directly the new Parliament was summoned. But I do not think that that is a doctrine usually maintained, and if there was any danger of the Commissioners acting upon it, I can only say that I feel, so far as the new House of Commons is concerned, that if a similar Resolution was moved by any Member in the present House of Commons, there would not be the least difficulty in getting it passed with the same unanimity. I have consulted a great many Members about that, and I can speak with confidence.

3560. The Resolution stated that certain things should be suspended "pending legislation;" do you consider the time has come when legislation ought to be adopted, with a view of finally preventing the forest from being inclosed and spoiled of its present beauty?—Yes, I think so; I think there is a great deal of uneasiness in the public mind on the subject. I believe if an Act of Parliament were passed which could convey to the public the idea that the rights of the commoners would be preserved, and that the forest in its essential character would be maintained as a place of recreation and enjoyment, scarcely anything that Parliament could do of the kind would produce so much general satisfaction.

3561. Do you think that the Department of Woods have any just ground for acting on the principle that it is their duty to destroy the beauty of the forest for the sake of increasing the annual revenue?—I would not express an opinion on the conduct of the Woods and Forests, because of course they are simply public servants, and they have to act in accordance with an Act of Parliament. I have no reason to suppose that they wish to do anything injurious to the public. This I would venture to say, that if there is any doubt on the point, and if according to the existing Acts of Parliament under which they carry on their proceedings, it is reasonably presumed to be their duty to use the forest for the purpose of revenue, I certainly think that is one of the strongest arguments that can be advanced in favour of legislation, so as to remove all doubt on the point, and help the Commissioners to feel that it is the wish of the country, and that it is the wish of the House of Commons, that the forest should be preserved, and that the primary object which they should have in view is not to get a revenue out of it, but to preserve it.

3562. I should like to know, looking at the position of the Department of Woods and its obligations, whether you think the same rules which apply to farm land which is used for annual crops, should be considered applicable to land like the New Forest?—I should say, certainly not. I do not know what the existing Acts of Parliament are upon the subject; but I certainly think that the Woods and Forests should administer this property as the nation desires; and if the nation desires that it should be used for purposes of enjoyment and recreation rather than for profit, I think the Commissioners distinctly should use it for those purposes.

Mr. Ernest Noel.

3563. Is it your opinion that there should be no more inclosures made in the forest from the present time?—Yes, I should give that as a general answer. I do not know whether there may be any small inclosures necessary for special purposes, but I would very much sooner have no more inclosures at all. I think the small advantage that might be gained by inclosures would be outweighed by the disadvantages.

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3564. Considering the beauty of the heaths, as well as the old timber, you think the loss to the nation in a revenue point of view, would be so small, that it is not worth while to make any further inclosures?—Certainly. It is not the trees only that give beauty to the forest; you may preserve every tree, but if you take away the heaths and glades, though the trees might be left, the forest would virtually be gone. I know a great many agriculturists who live in the neighbourhood, and I am in the habit of visiting at the house of an experienced land agent there, and I know that the greatest part of the forest is extremely poor ground, and that in some of the most beautiful parts of it, the heaths, the lands are so poor that the pecuniary sacrifice to the country in not cultivating them is very small; but even if it was very much greater in value, still in a country like this we can afford to make that pecuniary sacrifice in order to preserve this magnificent national park.

3565. You think, do you not, that that opinion is held very generally throughout the country, and not only in the immediate neighbourhood of the forest?—I am certain that it is. Having taken a great deal of interest in this question of Open Spaces, I have often heard from the poor, who, one might think, would be the most interested in our having a little additional revenue from any source whatever, such expressions of opinion on the subject, that I feel sure there is no class with whom the policy is so popular of preserving these open spaces intact for the people. I think they are perfectly right in saying, as they do, that it gives to the poor an advantage of a kind similar to the advantages enjoyed by the rich. For instance, take my own case; I have never had any land of my own, and I never expect to have any land of my own; I should enjoy a park as much as any one, but I can go down and stay in the New Forest, and take lodgings, which are very cheap, and I feel at once that I have as much enjoyment out of this national park as any nobleman can get from the most magnificent private park in England. I believe that it is greatly appreciated by the people who come to the forest, and especially by the poor.

Mr. John Stewart Hardy.

3566. The Crown at present having a right to inclose about 5,000 acres more land than they have done, do you think that would be an unreasonable amount of forest to be under wood?—Five thousand acres might be inclosed, but if it was not done with great care it would produce irremediable mischief; but even if it was done with care I should say it would not pay to have it inclosed. Putting it at the very utmost, supposing those 5,000 acres brought any revenue, even treating it like the best agricultural land in England, and supposing it brought in as much revenue as the rich land in Sussex, namely, 3 $\frac{1}{2}$ an acre, and that, not allowing anything for expenses, you got a net revenue of 15,000 £ . a year, that would be a very poor and inadequate return for the loss of those 5,000 acres.

3567. Of course that would be so if it would injure

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injure the appearance of the forest, but do you not consider that these plantations, which of course are now very unsightly, in a certain number of years ought to become as handsome as the old wood?—I am told that it would be extremely difficult for them to become so, but the great beauty of the forest is its distinctive character, that a great part of it has been, as far as I understand, planted naturally and not artificially. Such a natural forest always possesses a kind of beauty which a formed plantation does not. The beauty of the forest is the creation of generations.

Mr. Edward Stanhope.

3568. Have you formed the same opinion that others have expressed with regard to the small freeholders in the forest, namely, as to the advantages of maintaining that class?—Certainly. I have taken frequent opportunities when I have been in the forest of talking to them, and I have heard some of the expressions of opinion used in this room with reference to them; of course many people know them more intimately than I do, but I can endorse every word that has been said in their favour.

3569. You think that it is a class that it is desirable to maintain, speaking generally?—Yes, I think it is very important in a country like this that all the people should not be reduced to one dead monotonous level. They are a peculiarly distinctive class, and I think it is very important if it can be done without any artificial means, that they should be preserved.

Lord Eslington.

3570. You have alluded to the high constitutional theory of the Crown holding the land as a trustee; I wish to ask whether you consider that the health and enjoyment and comfort of the nation are as solemn a trust as can be conceded to those who manage the Crown property?—Yes, I should say that it was impossible to conceive any more solemn trust than that. I should think that was much more the object for which the land was held than the purpose of revenue.

3571. You have properly, I think, placed that in juxtaposition with the mere pecuniary matter of profit, and weighed one against the other, and you have come to the undoubted conclusion that it infinitely outweighs any pecuniary consideration?—Yes, even taking it as a purely economical question. Of course, no question can be discussed simply as an economical one; that is one aspect in which the question can be put, but I should be perfectly prepared to argue it as an economical question, and I should say that having in view the health of the people, and their enjoyment, and the development of their artistic faculties, the preservation of the forest had a money value much greater than any money value that could be derived from the inclosure of the forest. But of course there are moral considerations and social considerations; however I express that opinion looking at it purely as an economic question.

3572. And that is taking the extreme view around which there hangs much doubt, namely, that the forest could be cultivated at a profit for the purpose of producing food?—Yes, I should express the same opinion, if you trebled or quadrupled the largest estimate ever given of the revenue to be obtained from the forest.

Lord Eslington—continued.

3573. Have you ever considered the question, or discussed with others the question, whether this forest, as now cultivated, speaking with reference to timber, is not actually in a pecuniary point of view more profitable than it could be made under another system of cultivation?—Upon the question whether it is most profitable to leave it as a nursery for timber, I have heard different opinions expressed. But I hold it to be certain that the greater part of the forest, including some of those parts that are most beautiful, namely, the heath land, would be perfectly useless for cultivation. I have heard that opinion expressed by a gentleman whom I know very well, namely, Mr. Morrison, who lives in the forest. I know some land which he has which was once forest, and was broken up, and he says that it scarcely pays the expenses of cultivation; in fact, that it is worth only a few shillings an acre, and that however high you farm it you can scarcely make it pay.

3574. Do you regard the forest in its largest sense, as an ancient monument?—Yes, I do.

3575. From your knowledge of the forest, do you consider it to be an ancient monument which is replete with traditions, and actual traces of the early history of this country, such as no other portion of the country at this moment presents?—I do not know that I should go quite so far as that, but I think it is an ancient monument, in this respect, that it is a creation of the past, and that no amount of money, and no amount of art, could reproduce anything like it; it would be just as hopeless if you destroyed it to create anything like it again, as if you cut down a beautiful old tree it would be hopeless suddenly to expect to restore it.

3576. Do you think that its existence unchanged from the earliest times of its history, and that it has imprinted, even on the character of the people, a stamp which is not without interest?—I feel very strongly on that point; I think undoubtedly it has; they are a peculiar people, and from that point of view, to go no farther, the forest has great historical interest.

3577. Are they not characterised by habits and feelings which endear them very much to those who live among them?—Certainly; it is one of the great pleasures of a visit to the forest to note the character of the people, the pleasure of talking to them, and getting to know them; they are a people who are unlike almost any others that I know; I speak from the pleasure I have enjoyed myself in visiting the forest.

3578. Is there not a further consideration, that there are many hundreds of small owners, resident in the immediate vicinity of the forest, on whom its vicinity and its extent, and its beauty confer a position which, for all practical purposes of life, gives them as much enjoyment as if they were large landed proprietors?—Yes, I think that is a most accurate description of their position; I feel that to a certain extent myself when I go there. Of course people who live in the immediate neighbourhood, and on the borders of the forest, must feel it still more; I know that gentlemen and noblemen in England now are generally very liberal in allowing people the use of their parks, and you can often walk about in them pretty much as you like; but in walking about the forest, you have the feeling of walking in a place where you have a right to go about without leave

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Lord *Eslington*—continued.

or favour from anyone; a feeling which going round an ordinary park does not give you.

3579. They almost feel that they are monarchs of all they survey?—Yes, you feel as if it was partly your own property.

3580. Is not that a very material question in the consideration of any proposal to do away with this great national park?—Yes; that applies not only to the New Forest, but it is one of the strongest arguments in favour of the general proposal of keeping open those spaces; Epping Forest, for instance.

3581. With regard to this question of open spaces, under the present circumstances of this country, increase of population, spread of cities and manufactures, and so on, is it not annually becoming a vital question for the consideration of Parliament?—I think there can scarcely be a more important question for the attention of Parliament, because the country is so rapidly increasing in population, that, to take an illustration, though at the beginning of this century it might have been very important to preserve Epping Forest, it is very much more important now; and if England goes on progressing in wealth and population, the probability is that 50 years hence, it will be very much more important to the nation than it is now; and the same remark holds good with regard to all open spaces; the number of people who visit the New Forest in each year is rapidly increasing, and I feel certain that the increase will continue.

3582. An open space, such as we now speak of, once destroyed, is a thing that no resources that this century could furnish could ever replace?—No, it would be an absolute physical impossibility; it would be as impossible by an expenditure of money to restore the New Forest, as to restore a cartoon of Raphael's if it were once destroyed; the thing is gone for ever.

Lord *Henry Scott*.

3583. I suppose in giving your evidence you have regard to the difference between England, Scotland, and Wales; whereas in Scotland and Wales there are large mountainous districts and open spaces, in the south of England there are very few?—Yes.

3584. It is very much more important in that point of view than the preservation of an open space would be contiguous to the highlands of Scotland, or the mountains of Wales?—Yes.

3585. In fact, I suppose, with the exception of Dean Forest, the New Forest is the only forest of the kind that is not inclosed now?—Yes, certainly; when a forest is inclosed for mere planking, it becomes simply great thick wood; there is nothing more dreary than to walk about in a thick wood; it is very close, and it is the last place in the world I should go to in the summer to walk about in. In the New Forest you can get shade at almost any moment, and you can come out from the shade and then walk or ride over expanses of heath, and get most bracing air. There is a freshness and freedom about it which is entirely lost in a thick wood; it is very much the same pleasure as one gets in walking over a Yorkshire or Scotch moor.

3586. Are you well acquainted with the forests of Alice Holt and Hainault?—Yes, I have been to Alice Holt; but though it is nearer to London than the New Forest, if I can get away for two days, I would rather travel five

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Lord *Henry Scott*—continued.

times the distance to go to the New Forest than to Alice Holt, for that reason. Alice Holt is a thick wood, and the New Forest has open free spaces.

3587. Do you know much of the quality of the land which remains at present uninclosed in the New Forest?—Yes, I do. I know that a great deal of it is extremely poor. I was just now quoting Mr. George Morrison, who himself cultivates a farm on the border of the forest. A portion of his farm was no doubt a few years ago a part of the forest, and on his lawn there is a very fine oak tree which has all the characteristics of a forest oak. The forest runs up almost to his own door. He has often told me that the land is extremely poor. I think he would be very glad to get it back into its original state, but, of course, it would not go back to its original state, because it has been broken up and destroyed. I know, from walking about the farm, that it is wretchedly poor land.

3588. When you estimate 5,000 acres, at 3*l.* an acre, as bringing in 15,000*l.*, of course, if the land which remains to be inclosed were taken out of the forest and cultivated, it would not bring anything like that?—No; I simply put the argument in an extreme way. I named 3*l.* an acre as the value of some rich land in Sussex, but I should rather say 5*s.* an acre as the probable value of New Forest land. I know that very good arable land in Sussex lets for 3*l.* an acre, but I should be perfectly prepared to argue it on that basis of 3*l.* an acre; that would not at all change my opinion.

3589. When you said that the Crown property was held as a trust for the public, I suppose you would think the public was quite as much bound to respect the legal limitations connected with that property as the Crown would be?—Yes, I believe it is a technical legal point on which I express no opinion; but if it could be proved, that by preventing the inclosure of those 5,000 acres which the Crown is said to be entitled to inclose, any pecuniary injury was inflicted on the next heir to the Crown, I should then say it would be a very ungenerous thing on the part of the nation not to give the next heir to the Crown the most adequate pecuniary compensation. Looking at the private interests of the Crown, we do not wish to take away a single sixpence that could, by the most liberal interpretation of the law, belong to it; but whether the representatives of the Crown would be entitled to pecuniary compensation, whether the Civil List ought to be increased, because it was decided that the forest should not be inclosed, is a legal point. If it should be decided that the Civil List ought to be increased in consequence of keeping the forest open, I feel certain that the country would most joyfully give, in a liberal spirit, any compensation which was thought to be necessary.

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3590. I imagine there is no question here with regard to leaving open vast spaces in the forest; the question is one of degree; you would hardly have recommended that the whole of the 63,000 acres of the forest should have been left entirely unused for any purpose, except that of mere ornament; that would be rather an extreme quantity, would it not?—No, I think not at all.

3591. You would have recommended that the

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63,000 acres of the forest absolutely should have been left without any planting at all, would you?—Yes. But now that it has been inclosed so far, we have to deal with the facts as they exist.

3592. That is to say, you would desire that 80 square miles of land in this country should be left perfectly useless, except for purposes of ornament?—No; the whole contention turns on that. I should have the forest open, because I should say we were practically devoting it to an object of all others most beneficial to the country.

3593. I do not dispute for a moment the immense use of open spaces on ornamental natural ground of this kind; the only point is whether 80 square miles of land is not rather a large park even for a country like ours?—Suppose the whole 63,000 acres had been kept open it would not have been entirely unproductive, for the commoners graze a good many cattle upon it, and so on; but even supposing that land was worth 20 s. an acre (it never is, and probably never will be worth that), or say it would produce even 30 s., that would be 100,000 l. a year, my contention is that it is a sum which the country could well afford to pay.

3594. Not looking at the question income, but at the growth of timber for the country, you would not attribute much importance to that perhaps?—I think a great deal of timber might be grown in the forest still. It seems to me that there was no occasion whatever to have inclosed it in the way it has been done. But, of course, that is a practical question on which my opinion is not worth very much. With regard to the timber already existing, I should use it primarily for purposes of recreation and enjoyment, and to preserve the beauty of the park. But no doubt with good management a great deal of timber might be cut down without injury, just the same as in a gentleman's park.

3595. But in a gentleman's park, as to the renewal of timber, there are always measures taken, are there not; are there any parks where timber comes up of itself, and which admit cattle, horses, and deer without some protection to the trees?—I suppose it would not be suggested to do nothing to preserve the timber any more than it would be suggested to do nothing in a gentleman's park to preserve the timber. Take, for instance, the trees in Mark Ash, because those trees at this moment have perhaps attained maturity for timber purposes; if you administered the forest simply for profit, you would cut them down; but I should let them stand as long as they could; it may be desirable for a time, just as in a gentleman's park, to fence off a portion, and have the ground planted, with the idea of getting ornamental timber again.

3596. Taking the existing ornamental woods and the growths which lie among them, or which are contiguous to them, you would desire that they should be absolutely preserved in their existing condition with such measures subservient to that as might tend to renew the timber?—Yes, and the heaths also.

3597. But take the case of the timber first, you would desire that all the ancient woods should be preserved, would you?—Yes.

3598. Now, no question arises, of course, with regard to the present inclosure, that being done; but do you not think that 30,000 acres of waste

Sir William Harcourt—continued.

heath land would be a large quantity?—"Large" is a comparative expression. I do not think it would be too large. I would rather have 45,000 or 50,000 acres.

3599. And you would rather have 100,000 acres than either perhaps?—Of course there is a limit. I would not express an opinion on the exact quantity, but I can only say it is a question for the country to consider. On the one hand, they may sacrifice a certain amount of revenue, and on the other hand, they would get a certain return for the sacrifice of that revenue. I can only repeat that if the sacrifice was 10 or 20 times as much, the great majority of the English people would, in my opinion, say, "Let us have this open space preserved and no more inclosed."

3600. Have you considered the fact that in the case of a possible deficiency of timber in this country, and perhaps in the world, the State being a body that can stand out for its money better than a private individual can do, is the body that ought to devote attention specially to keeping up a reserve of timber in the country?—No, I think certainly not. I think a country like England need not concern itself about that. I am told that millions of trees are being planted in Scotland.

3601. But they are not oak trees, are they?—No, not oak trees; but considering the extent to which iron is now used in shipbuilding, that question of timber is of very much less importance than it once was.

3602. Have you also considered the fact, that the woods that were planted in the beginning of the last century will perhaps, not in our time, but in that of our successors, become also ornamental timber in the forest?—Yes, it may; I do not say that there ought to be, under no circumstances, any planting whatever, but I should treat the place rather as a gentleman's park would be treated; steps may be taken to plant new trees to take the place of the old ones; but I should manage the forest primarily so as to keep it as a great national park for the enjoyment of the people, and I would regard the revenue that it might yield as a secondary and subordinate consideration.

3603. Quite so; you would treat it very much as Richmond Park is treated, where the ancient trees and grass are preserved; but there are always plantations of trees in clumps, and inclosures interspersed?—That would be a question rather for a landscape gardener, or for a person experienced in forest keeping, than for me; I would not express an opinion as to how it ought to be done, because my opinion would be of no value whatever; whether it would be best actually to plant, or whether it would be best to wall or rail off a certain portion occasionally, and let the trees sow themselves, is a technical question.

3604. You are aware that if the Crown were to take the balance of the land which it now has the power to inclose, you would still have left uninclosed in the forest something like 50,000 acres of land?—Yes, I am aware of that; even if the quantity which the Crown has a right to inclose was taken, I know that there would be a very great open space left, and a very valuable open space left; but I cannot do more than repeat the opinion which I have given already, that I believe the public, who are concerned in the matter,

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matter, will say, "We are willing to sacrifice the revenue which this additional inclosure will bring in. If the Crown, as a private individual, suffers any injury, we will give the Crown, as a private individual, compensation, but we would far sooner have no more inclosure."

3605. I am not putting the right of the Crown as a private individual; that is not an opinion which I entertain with regard to these estates; but I am putting it with regard to the interest of the public either in the matter of revenue or the preservation of the timber; will not there still remain of open ground not subject to enclosure, about 50,000 acres?—I do not know the exact amount, but I will assume that.

Mr. Couper-Temple.

3606. Where nature has been left to act freely in the forest, have not beauty and profit been identical, because the trees which nature produces are just as valuable as those which are planted artificially, are they not?—I have always heard that; and I suppose some of the most valuable trees in the forest have been produced by nature.

3607. Did not the natural growth of the forest provide timber for the Navy up to the time of William the Third, and might not nature still continue to do that?—Yes; I believe that it has done it.

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3608. As a matter of political economy, are you of opinion that it is desirable to maintain the fuel rights which exist in the forest, the right of timber; the right to a supply of fuel and wood, and the right of turbary, or paring the ground in order to produce turf?—I have not heard that that has done any damage; but I can quite conceive that if the forest were placed under any new management it might be advisable, if this lopping of trees or paring of turf were done without discretion, to place some restraint on it; but I have not heard complaints on that point, though I can quite understand that they may arise. I was told with regard to the lopping of trees in Epping Forest that that has been a valuable right to maintain, and that if it had not been for that right, probably the forest would not have been preserved. I am told now that it may be desirable to place this lopping under some restriction; but then, of course, Epping Forest is much nearer a large population than the New Forest is.

3609. Are you aware it has been stated before this Committee that the practice of paring away the ground for the purpose of fuel is not at all a beneficial operation?—I can quite understand that that is the case; and I should say that if such evidence has been given it would be very advisable to consider whether the practice should not be placed under some restraint or supervision.

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Mr. GEORGE EDWARD BRISCOE EYRE, called in; and Examined.

Mr. Couper-Temple.

3610. WHERE do you reside?—I reside at Warens, Bramshaw, Wilts, with my father.

3611. Have you or your father extensive common rights in the forest?—My father has extensive rights, and I have some smaller rights.

3612. How long have you known the forest?—I have known it as long as I have known anything; I was born on its border.

3613. Are you acquainted with the forest?—Yes, intimately; and I think I may venture to say that if I have not a large experience of other British forests, I have rather an extensive one of foreign forests.

3614. Will you be kind enough to state to the Committee the forests which you have visited?—I have travelled extensively both in the northern and southern continent of America, and I have, in consequence, seen a very large variety of forests in every zone, the temperate and torrid zones, on both sides of the equator.

3615. In South America as well as in North America?—Yes, in South America as well as in North America; particularly, I might enumerate that I have been in Canada West, the Western Central United States, Virginia, Panama, Brazil (North and South), Chile, and especially in Bolivia, where I have been on the eastern slopes of the Andes, which are admitted to contain the grandest forests in the world.

3616. Have you also a knowledge of the forests of Australia, without having visited them?—I have taken Australian friends, and I have also taken American friends into the New Forest. It is chiefly from comparing notes with them, and from observations unconsciously made abroad, that I came to the conclusion that the New Forest was such a wonderful place. Familiarity is 0.100.

Mr. Couper-Temple—continued.

not the best tutor; I did not half appreciate the New Forest until I had travelled, but I do not hesitate to say now, that there is nothing like it anywhere else in the world, taking the forest in its natural state; that such is the opinion of most travellers, British and Foreign, and also the opinion of British and Foreign artists.

3617. Do you know the German forests?—I stayed once for seven weeks on the edge of one of the largest German forests; I did not go very fully into the subject, but I soon saw what a conserved forest is; I compared it with what I knew of the plantations in the New Forest, and they of different ages, those of William III. and all the others that I knew of; and I came to the conclusion that the inevitable result of the present system of plantation, or any system of plantation systematically carried on in the New Forest, is to utterly and wholly destroy the peculiar character of the New Forest scenery.

3618. Will you kindly state to the Committee what you consider to be the characteristic of the New Forest scenery as compared with the other forests which you have mentioned?—One of the great characteristics of the New Forest, as compared with other forests, is that there is less wooded than open land; it is an open forest, it is not wood; it never was intended by nature to be a continuous wood; if you make it a continuous wood, it is no longer the New Forest.

3619. Taking the patchy character of the soil, is that the cause of so many open spaces being intermingled with growing trees?—I think the whole forest is due to a combination of natural causes somewhat intricate to trace; I should say that it was simply because it had been left to nature to work her will absolutely, that the New Forest

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Forest is what it is; but I attribute one of its characteristic beauties, I mean the freedom of surface, the absence of undergrowth to impede traffic and impede enjoyment; I attribute that very much to the soil always having been depastured by a great variety of animals. By that, I do not mean a great many animals of one kind, but a great many animals of various kinds, because what one eats another does not eat; it is the great mixture of animals browsing in the New Forest which produces such a characteristic effect.

3620. Do you find that self-sown trees in the New Forest grow in a slanting direction instead of an upright direction, as they do in planted forests?—You never see two trees alike in the New Forest, but in a plantation you will see it is hard to find two trees that seem different; at all events in general effect.

3621. In natural woods the trees do not grow at regular intervals, do they?—No, they grow as they can, or how they can; each has its history written on it; the consequence is, that every tree almost in old woods is individual, and therein lies its interest.

3622. Which are the best, the old plantations from which the fence have long been removed, or such plantations as may have been planted in 1700 or 1750?—I can only think of two plantations at all which have any pretensions to picturesqueness; and I do not think it is quite certain that even they were regularly planted; I mean the two Bentley's; whatever was done with them at one time they were afterwards so entirely left to nature that nature has resumed them, and they are almost natural woods again, because they have not been conserved or managed scientifically.

3623. Do you think that planted trees can at any age acquire the peculiar character of the self-sown timber in the New Forest?—No; so much depends on circumstances. A picturesque tree is, so to speak, a mirror of the circumstances of its life above ground and underground, of the soil below, and of its opportunities above; I can hardly conceive that a tree which has been nursed for a certain part of its life, and then let loose, can ever be quite so beautiful as it would have been if it had been left to fight its own way from the very beginning.

3624. Are planted trees prevented from throwing outside branches during the early years?—I presume they would not pay if they were allowed to grow large and bushy; they would occupy too much ground.

3625. In what way do you consider there is the best chance of maintaining the beauty of the New Forest?—After what one has heard here, one must speak with caution, but I confess that I feel very strongly that, from a picturesque point of view, the less that is done to the New Forest the better. I see no danger whatever of its perishing. I believe it always has maintained itself, and I believe that it will continue to do so; I think the less done to it the better.

3626. Do you observe that where the soil is favourable, saplings do spring up now?—I think that wherever a tree has a fair natural chance, the tree appears, but more particularly where hawthorns or thickets protect the saplings; then they start up, and that is how the forest has preserved itself. I have noticed in the brushwood in Bratley Wood lately there is a very good suc-

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cession of trees of different ages coming into existence under those very circumstances. It has been suggested to me that in certain places, if a tree was required, and the fern was left uncut, the tree would probably be forthcoming, because the animals do not go deep into the fern to destroy it, and the trees which are protected by anything of that kind escape the rabbits. I must say that the New Forest Commissioners do not set their faces so much against the rabbits as I should expect they would do if they wished to have a continuous supply of young trees. I believe that a great many young trees are eaten by the rabbits.

3627. Is that in the winter?—That is according to the rabbits; it lies with them.

3628. Do you find in the woods that when a vacancy is made in the tops of the trees, and a vertical light comes down on the soil, saplings spring up readily?—I have observed that they do, but that very much depends on the size of the trees around, and the size of the hole that has been left; but when the hole gets to any considerable size I am sure that the trees come up.

3629. Do you think that the mowing of the fern has done much to prevent the renewal of the trees?—I should imagine that cutting off whatever is on the surface of the soil with the scythe must carry the young seedlings with it. I do not mean to say that I consider the fern-cutting is of such great importance. I merely wish to point out that the fern-cutting would have a tendency to reduce the number of seedlings; for my own part I do not wish the forest crowded up with young trees, and I am very glad to see the seedlings diminished by any way within reason.

3630. Do you think the operation of those various animals that are turned out to browse in the forest is to make such a selection of the trees as would allow them to grow up in picturesque positions?—I think so.

3631. Would the exclusion of cattle, by fences, from the old woods be advantageous?—I do not see that it would do anyone any good, because the old woods, so far as I can see, are in very good condition; they show no sign of decay. On the contrary, I have scientific evidence from a chief inspector of the Imperial forests in Prussia (a professional German forester), who has been to the forest this week, and who says that, as a whole, the woods are in a very hale and sound condition, showing no signs of general decay or any necessity for special measures being taken for their conservation; they are likely to last for many many years.

3632. That is speaking from what he actually observed in the open spaces is it?—Yes, that is speaking of what he actually observed in the forest this week.

3633. Would the management be different if the object, as in German forests, or French forests, were to produce a certain regular rotation of trees from what it would be in the New Forest if the main desire was to consult beauty as well as profit?—A German forest differs only from a cropped field, in that it has cropped trees instead of cropped smaller vegetables; it consists simply of patches of this tree, that tree, or the other tree, one series following another in regular rotation, like rotation crops in agriculture; the effect is simply that the wood is monotonous, it is close; there is no chance for any tree to assume any individuality, and therefore there is no picturesque-

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ness, or rather I should say there is no picturesqueness except such as one might hope to get out of an artificial wood. Your feeling is that you are in a vast timber-farm, everything is artificial and monotonous and to regulation pattern; in fact, an expression occurs to me of old Gilpin; he says, "It is not reasonable to expect the child of formality to take the place of nature's wilding."

3634. I understand you to say that you do not see any advantage in excluding the cattle from those woods where we wish nature to renew them?—No, I do not. I think if a great hole occurred, nature would supply the deficiency, or if from any cause it did not supply the deficiency, it could be easily supplied by planting two or three trees in the place.

3635. It would not be difficult to find hollies or other bushes that would protect the young trees against the cattle while young?—No; but if the cattle were fenced out of the great woods, hollies would grow up and form a continuous mass that must be cleared away, or else the place would be impassable.

3636. Have the hollies increased greatly since the deer were removed?—Yes, enormously so. A great deal of evidence on that head was given before the Committee of the House of Lords in 1868.

3637. How did the deer keep down the hollies?—The holly tops are one of their most favourite foods; the old hollies were always pollarded in order to give the deer the young boughs in winter, and the seedlings were kept down by the natural browsing of the deer.

3638. Will any other animals eat holly except deer?—Ponies and cattle in winter will eat the young shoots.

3639. Will rabbits eat the holly?—They will bark it all round in snow time.

3640. Supposing it were desirable to fence round the old woods, do you think it would be practicable without incurring a very large expense for fences?—It seems to me that there are few woods in the forest that you could fence at all. You might attempt to fence Bratley Wood perhaps, but it would be a very large expense to do it, if you followed out the sinuosities of the wood, and if you did not, you would create an eye sore; but if you were to attempt to inclose Mark Ash, it would be a puzzle; in fact I do not know where it begins and where it ends, and I do not believe any one does. You would have to inclose from Bolderwood Lodge to Knight Wood somewhere, and from the Anderwood inclosure somewhere into Lyndhurst. I do not see how it is possible, unless you chop up the forest into arbitrary clumps of wood, and call that preserving the forest.

3641. Supposing its natural beauty which still exists in the forest, and particularly in these 5,000 acres, were destroyed, what classes would, in your opinion, be the sufferers?—I think that the whole nation would be the losers, and I could support that if the Committee desired it, with detailed evidence to almost any extent. There would be several classes of persons who would be the sufferers.

3642. Will you first of all go to the commoners; supposing there were a severance and a disafforestation, or an inclosure, so that the present distinctive features of the forest were to suffer, what would be the injury which, in your opinion, would be done to the common?—Every

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pasturable acre planted of course most materially damages the commoners, particularly now that all the forest lawns which could be inclosed have been inclosed, and that the pasture has been reduced to almost nothing; and any reduction of the remaining open land would, of course, tell the more heavily; and also, if you were to inclose the old woods, the commoners would lose a good deal, though it is difficult to explain precisely what; but they would clearly lose the shelter for the animals in bad weather. In snow time, in the old woods, the snow cannot penetrate, and I think it would be a great loss to the commoners if the poor pasturage of the forest were not supplemented by shelter, because we all know that even the best of food misses its due effect if unaccompanied by sufficient shelter and warmth.

3643. Do animals in winter browse on the brambles and other undergrowth?—Yes; especially in winter and early spring. There is a saying in the forest that the deer begin the work, the ponies follow, and the cows complete it.

3644. Do you think that the landscape scenery of the New Forest is of great value to art?—I find that, in the opinion of artists, its value is beyond calculation. Both British and Foreign artists say that there is nothing like it anywhere else; they say that it is particularly valuable for its suggestiveness, or, as artists say, its power of inspiration, and also, indeed, for its power of instruction to young artists, because they must work honestly in painting the New Forest; they are not tempted to paint what comes easiest to their hands in the easiest possible way; artists all say that, as a school of art, it is of very high value.

3645. Have many artists produced landscapes taken from the New Forest?—In London, there has lately been opened an exhibition in which there have been produced nearly 250 pictures taken from the New Forest, and though no special effort was made to attract notice to the exhibition, it has been very successful indeed.

3646. Can you state to the Committee the particulars of any petitions relating to the New Forest, which have been signed by artists and others?—I should like to mention one petition which was placed in the exhibition room, but which nobody was pressed to sign; in six weeks that petition received 860 signatures, which might have been indefinitely increased. The artists' petition has already been alluded to by Mr. Fawcett, and I should like to put it in. (*The Witness headed in certain Petitions, vide Appendix.*) The artists' petition is signed by nearly every member of the Royal Academy, and nearly all the associates of the Academy, though it was only started at a time when nearly all the artists had left London to pursue their studies in the country, after the Exhibition of the Royal Academy had opened; that petition received 262 signatures, and the signatures included the names of foreigners such as Mr. Alma and Mr. Tadema. Mr. Ruskin is among the gentlemen who signed that petition; it was signed by the three Slade professors of art.

3647. Have you any evidence of the interest taken in the forest by those who prosecute the study of the natural sciences?—Yes; I have two such petitions; one is the petition of the Entomological Society of South London; and the other is a petition of entomologists, both of which

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which are numerous signed, though only four days were given for getting the signatures.

3648. What evidence have you of the use made of the forest by the travelling public or by excursionists?—I should first mention that it is only quite lately that the forest has been accessible to the public; it is only within the last century that the forest was opened up even by turnpike-roads; and as lately as the year 1750 a guide was necessary for any one who desired to see the forest; the railway now is, I believe, about 30 years old; it is not a direct railway as we all know, but it is very largely used, and lately there have been two branch railways opened right and left of the forest, and they have both contributed to bring the forest into notice. The consequence has been that the number of visitors to the forest is increasing very largely, and may be expected to increase more and more, because we may say that the influx of visitors is only now just beginning.

3649. Do visitors to the forest come from Southampton in great numbers?—Yes; I have a letter from the station-master at Southampton, who gives details of the use of the forest by visitors from Southampton; his letter is dated the 10th of May; he says that there is a special excursion traffic from Southampton (there is no record kept of any but large parties), but that in one month of the year 1874, the number of people so conveyed in large parties was 1,806. Then he goes on to say that there are numerous small parties in the summer months, picnic and pleasure parties, most of whom come from Southampton, paying the ordinary fares, but of whom there is no register; besides which a great many go by road, principally working people from the various establishments in the town. The writer's impression is that nearly as many go to the forest by road as go by railway.

3650. Do a large number of persons come from Salisbury to the forest during the summer?—I have two letters from jobmasters of Salisbury, who say that they take 600 persons from Salisbury to different parts of the forest in the summer; but this of course does not represent the total traffic from Salisbury, because so many go by the Downton line and make short excursions to and from there, and of course they are not traceable.

3651. Do you know whether many persons approach the forest from the west, namely, from Ringwood?—Yes, and I should like to say that the traffic from Southampton is so considerable into the forest, that the jobmasters have actually been investing capital in buying conveyances for this particular purpose, and I have before me a letter from a jobmaster, who says he has invested over 500 £. in conveyances built for the purpose of taking excursionists into the forest, and there are at least 20 jobmasters besides himself, who have invested large sums of money in the same way; these are carriages built for the purpose of carrying 20 or 30 persons. They also mention that thousands of visitors, even foreigners, come from all parts of England to see the New Forest.

3652. Does that include Totton?—There is other evidence about Totton. Totton is nearly at the head of Southampton Water, and there are statements of a similar kind with regard to those that I have already made about Ringwood and Downton.

Mr. Cowper-Temple—continued.

3653. From Totton do as many as 500 persons pass into the forest by road in a day sometimes?—Yes, and the inn accommodation is quite insufficient at times.

3654. Can you state whether large numbers of visitors are found at Stoneycross?—There is a letter from the innkeeper at Stoneycross which says that there has been such a very large increase of visitors of late; he says that as many as 1,000 people a day come there. On Bank holidays and such days, great numbers of people come into different parts of the forest. At his place alone, he says, you may see 20 or 30 conveyances in a day, most of them large three and four-horse breaks, carrying 40 to 50 persons each; those visitors go to different parts of the forest, coming from Southampton, Salisbury, Totton, Fording Bridge, Christchurch, Brockenhurst, Romsey, and the different points of railway communication. Walking tourists have been largely on the increase; even ladies have taken to make walking tours in the forest.

3655. Have you anything further to lay before the Committee?—I should like to put in some of the names of those who signed the general petition for the preservation of the New Forest. The Duke of Rutland, Lord Nelson, and Lord Eversley, Sir Walter Stirling, Lady Susan Harcourt, Earl Radnor, Viscount Enfield, Charles Reade, Tom Taylor, Miss Helen Taylor, Mr. Blackmore, the novelist; Mr. Butterfield, Mr. Street, and Mr. Hardwicke, architects; Sir Henry Thompson, and Mr. Farrer, the Secretary of the Board of Trade, and a great many others. There has been one general petition from all parts of the country, even from such a distance as Hexham; from the Temple Club, and from various artists' clubs. I may, perhaps, be allowed to point out that the Bill of 1871, brought in by the Woods and Forests, contained no provision whatever for protecting the interests of the public in the New Forest. It did not recognise that they had any claim on the New Forest whatever; in fact, the only piece of land exempted from inclosure was 100 acres around Rufus's Stone, but that was under no guarantee for being kept open, nor was it suggested that it was to be at the disposal of the public for purposes of recreation, or any other purpose.

Sir William Harcourt.

3656. I suppose you do not happen to know who is the author of the artists' petition against the destruction of the New Forest?—The petition was drawn up by one or two artists, and one or two friends of artists; of course they got the materials supplied more or less, as is usually the case; but it was settled by artists and literary men.

3657. But you do not know who is responsible for the actual composition?—No, I do not know who is actually responsible for the composition; it had, perhaps, like the Queen's Speech, a great many hands in it.

3658. The Queen's Speech is sometimes said not to be written in very good English, but this is written in a language that I never met with before; can you explain to me in sub-section A, paragraph 8, these words, "The subtlety of its terrain;" what language is that in?—It is what I should venture to call artist's language; both those words are very frequently to be found in the mouth of artists. I recollect asking an artist why

Sir William Harcourt—continued.

why he used the French word "terrain," and he said, "If you will tell me an English word to express the same thing, I should be very glad to use it."

3659. Can you convey in the English tongue what the expression means?—I should like to try if I might do so.

3660. Will you then kindly explain to me what is the subtlety of terrain which is going to be destroyed in the New Forest by the Act of 1851?—I am not an artist; I must therefore ask you to excuse me if I cannot explain it so well as an artist, but I believe that what is meant is this: that the surface of the ground has a peculiar character of its own, and that much of that peculiar character lies in the exceeding delicacy of the composition. I have heard artists say, that there is nothing so difficult to draw and express correctly, and for that reason, it is so particularly interesting to them for foregrounds, and so on. It is a thing that artists have always pointed out to me, namely, the undulation, or perhaps I may say, the caprice of the surface of the land in the New Forest.

Lord Eslington.

3661. You have been very active in getting up that very pretty exhibition of pictures now open in Regent-street, have you not?—Yes.

3662. The object being the very legitimate one of acquainting the public generally with the picturesque character of the forest?—It is simply with the object, that those people who have not seen it, or could not go to see it, should have an opportunity of seeing a sample of it, an imperfect sample it is true, but the best that can be obtained.

3663. Have you reason to think that the public are appreciating that effort?—Yes; the effect have been quite extraordinary, there can be no two opinions about that. I could not have believed that so small and comparatively insignificant an affair could have produced such an unanimity of feeling among such a variety of people. They all say, "Such a place as this ought not to be destroyed."

3664. You are therefore, sanguine in the expectation that the sympathies of the public will be still more largely enlisted in favour of the preservation of the district than has hitherto been the case?—I think that the correspondence which I have had with people whom I have never seen, and who do not know me, shows that there is an immense amount of feeling on the subject. I am sure, if the English people in general, knew what the forest is like, they would say it was simply a sin and a shame that it should not be left in its natural beauty, if the nation can afford so to leave it. Perhaps, I may mention, that the inclosed spaces in the forest, the woods actually under inclosure, and the woods which have been planted and again disinclosed, stand for all purposes of beauty and recreation in the same category. They are all close, they are all full of

Lord Eslington—continued.

ditches, and they are all monotonous. None of them ever can by any manner of means be made beautiful, consistently with the purposes of economy and utility under which the inclosures have been made. I think the whole of the lands under artificial plantation, whether within fences or outside of fences, should be considered as practically the same, and calculated together as representing the amount of inclosed wood-land in the forest at the present time; in fact, the amount that has been devoted to utilitarian purposes.

Mr. John Stewart Hardy.

3665. If this Committee should think it desirable that the Crown should be allowed to inclose the remainder of the lands to which it is entitled under the Act of 1851, then you, on behalf of what I may call the picturesque public, would have no objection to their re-inclosing those woods which have been left out, on the ground that they are utilitarian, and might as well be inclosed in a fence?—At the first blush of the question I should say not.

3666. You would prefer their taking those woods to taking anything fresh, would you?—Certainly. I think they practically have nearly half the forest under artificial timber at present.

3667. You prefer their having those woods inclosed to having fresh woods put under plantation?—Yes; generally they are artificial inclosures, with few exceptions. I should except the Old Bentley's, for instance.

Lord Eslington.

3668. Are those thrown out plantations placed on the best land for growing oak?—They are placed on the best land in the forest, but whether it is good land for growing oak or not, I do not know; that is considered a doubtful point among scientific people.

Lord Henry Scott.

3669. Have you anything to say on the question of turbary?—I think there is a confusion in people's mind as to the meaning of the word turf; turf is usually supposed to mean grass, but the turf which they burn is simply heather roots and heather soil, with what they call the *humus* connecting them; it is not grass.

3670. In fact, this turf is got from land which will only grow turf and not herbage, is it not?—Just so. I think on the heath the turf-cutting is not by any means damaging; the German foresters say distinctly that the heath is inimical to planting, because they say that moorpan is created by the soaking of the rain through the *humus*, forming a kind of concrete with the grave below, and that its removal is advantageous to the subsoil, by preventing the increase of this concrete—I will, with the permission of the Committee, add to the petitions three letters from persons of very different types, in order to illustrate the feeling which exists on the subject of the New Forest in general. (*Vide Appendix.*)

MR. WILLIAM CLEMENT DRAKE ESDAILE, re-called; and further Examined.

Sir William Harcourt.

3671. I BELIEVE you wish to give some further evidence to the Committee?—No; I have no further evidence that I wish to give except upon the two points as to which I was desired on the 0.100.

Sir William Harcourt—continued.

last occasion to give my attention; first, as to the different claims in the register of 1670, of which the numbers were given to me by you, Sir, as being worthy of notice, in regard to my contention

Mr.
G.E.B. Eyre.
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Mr. W. C.
D. Esdaile.

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D. Esdaile.
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Sir William Harcourt—continued.

tion that private lands within the boundaries of the forest were not subject to forest law, and secondly, as to the Bill of Messrs. Pritt, with which the honourable Chairman desired me to make myself acquainted.

3671.* I did not intend to trouble you to come again as to these claims I mentioned?—Having been asked to look through them (*see* page 176), I supposed that I should be questioned upon them, but I will now merely say that I have carefully read through those claims, and they seem to me to fully bear out the evidence which I gave, that private lands were free from forest law.

3672. I have been requested to call your attention to the circumstances which occurred at the time of the Settlement Bill of 1851; I did not understand you to dispute that the clauses in the existing Act of 1851 were settled with the complete consent and upon negotiation with persons representing the commoners; was that so?—I have every reason to believe that that is the fact, at all events with the opposing petitioners against the Bill.

3672.* I observe in the shorthand writer's notes the counsel for the Crown says, "There have been some negotiations, I am happy to say, which have led the Crown to consent to take 10,000 acres instead of the 14,000 acres originally specified in the Bill, and the Crown has agreed to make all its inclosures at least 300 acres?"—Yes, that is quite so; there were three things which were proposed, and the only three things proposed and discussed between the parties; first, clauses for ascertaining and registering common rights; secondly, that the acreage should be reduced from 14,000 to 10,000; and thirdly, a clause by which no inclosure should be of a less acreage than 300 acres.

Lord Henry Scott.

3673. You were asked some questions, were you not, by the honourable Chairman, with regard to the attendance of Messrs. Pritt on certain days?—One day was the 20th of June, and I believe another day was the 29th July. It was suggested to me that I should go to Messrs. Pritt and make myself acquainted with the Bill. That was the first time I had ever heard of it. We had searched their archives in the year 1871, and could find no papers of consequence bearing upon the subject. The firm had removed, and their papers had been destroyed to a great extent.

3674. I believe that you have made inquiries with regard to the Bill since?—Yes, when that was suggested by the honourable Chairman, I felt it my duty to make inquiries, and I went to Messrs. Pritt's office, who are now represented by Messrs. Sherwood, and I found that the solicitor of the Office of Woods and Forests had applied for and received a copy of the Bill, which was, as I think, in the hands of Messrs. Pritt, as confidential advisers of the petitioners of that day, and very properly they said to me, not knowing me; that I ought to get the authority of Mr. Coxwell, who acted as solicitor in those days, for them to give me a copy of the Bill; I found that Mr. Coxwell had not given authority for them to deliver a copy of the Bill to the solicitor of Woods, who had received it without such authority; I feel that was rather a departure from the ordinary and proper course of professional etiquette.

Lord Henry Scott—continued.

3675. In fact you think the Bill is the property of the petitioners of 1851?—I do not understand much about professional etiquette, but it seems to me that Messrs. Pritt held that Bill, exactly in the same way as your Lordship's solicitor would hold any document that they confidentially received from your Lordship; and if any one opposed to your Lordship was to go and ask your solicitor to deliver to him your Bill of costs, he would get, I suppose, a very quick and decided answer.

3676. Mr. Sherwood said he was quite under a misapprehension, I believe, or he would not have given a copy of the Bill to the Solicitor of Woods?—Yes, he thought it was applied for as a mere historical document, and not for the purpose of being used in cross-examination, or anything of the kind; in fact he thought there was nothing in it.

3677. I suppose you thought you might just as well have gone to Messrs. Rees & Co. and asked them for their bill of costs against the Crown in the year 1851?—Yes; I should as soon have thought of asking to see that bill of costs as I should have of taking a paper out of an office to which I happened to have access.

3678. As to the balance of acres due to the Crown under the Act of 1851, is there not, as a matter of fact, a dispute in the commission of which you are a member with regard to what that balance really is?—There is no dispute as to what the balance under the Deer Removal Act is, and I am not aware that there is any dispute with reference to the planting power under the Act of Will. 3. As far as I understand the Solicitor of Woods (he will state his own opinion), it is this: they have planted 2,500 acres more under the Act of Will. 3 than they ought to have done. We have been advised that that is against the Act. If that is so, there is only a balance on the two of 2,500 acres. I think the Solicitor for the Office of Woods does not dispute that that is the legal acceptance of the statute of Will. 3.

Mr. Cowper-Temple.

3679. If Parliament were to decide finally against disafforestation and severance, and were to define the respective rights of the Crown and the commoners, do you think that the commoners and the Department of Woods might live as amicably together as they did before the Act of 1851?—I have always thought so, and for this reason: before the Act of 1851 there were two parties, neither of whose rights were antagonistic; the deer did not hurt the commoners' rights, and the commoners' rights did not hurt the deer. The planting was carried on so gradually that the loss of pasturage was not appreciable, but since the larger inclosures have been made of course the effect is felt more. But I would suggest that there is no difficulty in the two dwelling amicably together if the Legislature would so define the Crown's rights, more or less, that they would not encroach on the commoners, just as the commoners' rights are now defined, so that they cannot encroach on the Crown's rights. In that case there would be no difficulty in the two living amicably together. At this moment, even taking the rolling power in its smallest extent, that is to say, to be turned over twice only, the very nature of that power is directly opposed to the rights of the commoners, and it is almost impossible to sketch out an inclosure which will not raise

Mr. Cooper-Temple—continued.

raise some prejudice and some feelings of irritation in the minds of some of the commoners, because they think they are losing pasturage. Once settled that no inclosure shall go beyond a certain point, and we may live amicably together. At this moment even a reasonable and moderate exercise of such a power must keep up the irritation.

Mr. John Stewart Hardy.

3680. Supposing this Committee thought proper to recommend that the Crown should be allowed to plant up to the full powers under the Act of 1851, and inclose the whole of that for growing timber for their own property, would you prefer recommending that the portion should be taken from the woods recently thrown open, or from the uninclosed parts of the forest?—I should certainly prefer that it should be from the part recently thrown open; it is the best land.

3681. You think that it would be economically the best for the Crown?—Yes, economically the best for the Crown; and I believe that it would be the best for the commoners.

Sir William Harcourt.

3682. Supposing Parliament were to settle how much land the Crown should be allowed to inclose, and then were to determine that beyond that there should be no further inclosure, but that all the planting and replanting should be confined to that ground so inclosed, would that, in your opinion, be a satisfactory principle of settlement?—I take that to be the same question as the honourable Member has just asked.

3683. You would desire that the replanting should be confined to the ground which had been

Sir William Harcourt—continued.

once planted or inclosed, either under the Act of William 3rd, or the Deer Removal Act?—Yes, quite so; I do not believe that that would interfere with the picturesque character of the forest. But if these carefully managed plantations are so strictly angular, and so strictly carried out, on the principle of raising as many trees per acre as can be done, they never can come to that beautiful character that natural-grown timber comes to.

3684. Now about the more ancient William Third Woods, in 40 years, when the first timber is cut down for sale, there will be a certain amount of timber left for ornamental purposes, will there not?—Yes, certainly.

3685. That ought to be a condition, ought it not, that even in a modern plantation when wood is cut down, there should be a certain number of trees left for ornamental purposes?—No, I think not; I think the ornamental character would not be worth having in that case.

3686. But the trees in most parks have been planted some time or other, have they not?—Yes; but my idea of a park is not to manage it first as a plantation.

3687. Would not any of those trees in Bentley Wood, if they were left 10 to an acre, make ornamental timber in time?—I think not.

3688. Would you rather have them cut smack smooth?—I would rather have them left alone; I know that wood, and I could tell if I was taken down there, 10 miles off, by the character of the heads of the trees, that it was not natural-grown timber; there is something about the character of the head of a natural-grown tree that is perfectly distinct from a plantation tree that has been brought up in close juxtaposition to other trees.

Mr. W. C. D. Bodish.

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Mr. HORACE WATSON, re-called; and further Examined.

Mr. John Stewart Hardy.

3689. Do you wish to make any statement with regard to the bill of costs which has been in question before this Committee?—Yes, the facts are these: on the last occasion of my examination, I was asked by the Noble Lord, the Member for South Hants, whether the petitioners, his father, the Duke of Buccleuch, Lord Malmesbury and others, were represented before the Committee of 1851, on the 26th of June in that year. At Question 70, the Noble Lord said to me: "You said, did you not, that the commoners were not represented when those words, 'and other beasts of the forest' were struck out?" And I made answer in these words, "I said that the petitioner's counsel were not present when those words were struck out;" that is the fact. The shorthand writer's notes were the only materials which I had to guide me, counsel had withdrawn the previous day after the Committee decided that the preamble was proved; I thought possibly, the agent for the petitioners might be present though the counsel were not; I therefore applied to Messrs. Pritt, the agents for the petitioners, to know whether they were present or not; they searched among their papers, and they found the bill of costs, which they sent back to me by my clerk. Subsequently, the day before yesterday, Mr. Sherwood called on me and stated, that the Noble Lord objected to the course he had taken, and yesterday, I received a letter from Mr. Sherwood in these terms; this was 0.100.

Mr. John Stewart Hardy—continued.

in accordance with the suggestions I made when he called on me: "Having further considered your offer in this matter, and talked it over with my partners, we have decided to avail ourselves of the offer which you made yesterday, and will thank you to treat the communications between you and our firm as if they had not occurred." I did so, and destroyed a copy of the bill of costs, and withdrew everything founded upon it; and unless Mr. Esdaile had mentioned the subject, I should not have mentioned it again; my object was simply to see if the petitioners were represented or not on the 26th June. There is then another matter which Mr. Esdaile mentions, namely, whether "the words 'other beasts of the forest or chase' were struck out on the 26th June. I was asked if the petitioners were represented when those words were struck out; I said they were not represented by counsel, but it seems that their agent, Mr. Pritt, was present on the 17th July; he stated that the petitioners, who were opposing parties, were then consenting. Mr. Esdaile assumed that I had admitted or conceded that the powers of inclosure given by the Act of Will. 3, and renewed or varied by the Act of the 48th Geo. 3, were not rolling powers of inclosure. I am not aware that I ever said so, on the contrary. I have referred to several documents as showing the contrary opinion, not only of Parliament, but the Commissioners of 1789. I have carefully ab-

Mr. H. Watson.

Mr. *Ma. John Stewart Hardy*—continued.
H. Watson. stained from expressing any personal opinion,
 25 June as to whether there was or was not a rolling
 1875. power.

Lord Henry Scott.

3690. Do you think that you are entitled to go to the Parliamentary agents of another person, and ask for their bill of costs?—I did not ask for their bill of costs.

3691. But you sent your clerk, did you not?—I sent my clerk to inquire if they were present on the 26th June, and in answer to that he brought back the bill of costs as the evidence which they had to give on the subject.

3692. Would it not have been the proper course to ask that Messrs. Pritt should be called before the Committee?—I did ask them to appear before the Committee, and they were ready to come forward, until their doing so was objected to by your Lordship.

Mr. Cowper-Temple.

3693. With regard to what you have just stated, upon the rolling power claimed under the Act of Will. 3, I will ask you this question, has your department received any legal opinion as to whether the Department of Woods have a right to inclose more than 12,000 acres under the Act of Will. 3?—As a matter of fact, I am not aware that any such opinion has been given, except as I stated on my last examination.

3694. Have you any reason to give to the Committee to lead them to suppose that the Department of Woods were acting legally in inclosing more than 12,000 acres?—Yes, certainly; that is the view which has been taken by the Statutory Commissioners, and by Parliament itself.

3695. Will you quote what you allude to?—I allude to the Report of the Commission of 1789, which I quoted in my first examination, and the Acts of Parliament of 1808 and 1851, both of which treat the power as a rolling power.

3696. Will you kindly read the passage?—It is at page 6 of the Report of 1789.

Lord Eslington.

3697. Who constituted this statutory Commission?—I have not got the Act of Parliament here; but the Act was the 26 Geo. 3, c. 87.

Mr. Cowper-Temple.

3698. Were they in any way a judicial committee or a committee of inquiry?—It was a commission of inquiry under the Act. At page 6 of that Report this passage occurs: "And the Crown was likewise empowered, so soon as the trees in all or any part of such inclosures should be past danger of being hurt by cattle or deer, to throw open the same, and in lieu thereof to inclose an equal quantity in any other part of the forest, keeping in this way, 6,000 acres constantly inclosed as a nursery for timber." Then at page 24 it says: "The Act of 9 & 10 Will. 3, was accordingly obtained, and if the powers vested in the Crown for the improvement of the forest had been duly exercised if the full quantity of 6,000 acres had been inclosed, and the inclosures successively thrown open when the trees were at 20 years growth, or past danger from cattle, it is obvious that as the Act passed 90 years ago, four times that quantity would before this time have been inclosed, and 24,000 acres of land formerly bare might now have been

Mr. Cowper-Temple.—continued.

covered with trees of all ages, from 90 years downwards, in addition to the former woodlands in the forest."

Lord Eslington.

3699. Was this a commission authorised by Act of Parliament to construe the terms of an Act?—I have not got the Act of Parliament here. They were authorised to inquire, and to state form what they believed to be a sound construction of the Act of Parliament.

3700. Was it their business to construe the Act of Parliament?—A reference to the Act will probably answer that question; but I may refer to what took place before the Committee of 1851, which is to this effect: Mr. Talbot, for the Duke of Buccleuch and Lord Malmesbury and other petitioners, says in a question to Mr. Gardiner, "I thought that *toties quoties* you claimed the right to throw out and inclose again 6,000 acres;" and he replied, "Most undoubtedly the 48 Geo. 3 is not repealed. Q. Six thousand acres under the former Act, and 14,000 here, so that the Crown, if so minded, would have the liberty to cover the whole worth planting with trees? A. That it can do at this hour under the law as it at present exists. Q. Certainly not? A. I beg your pardon, it can; that it can do in process of time. Q. That is to say, it can take 6,000 acres now, and when this Bill is passed it can take 20,000? A. No; it has the right to take 6,000 now, and it may plant and replant 6,000 till every acre of the forest is covered with timber. Q. I quite admit that; it will plus that now with 14,000." So that the counsel for the noble petitioners against the Bill admitted in the clearest terms that the power to inclose 6,000 acres was a rolling power.

Mr. John Stewart Hardy.

3701. In answer to Question 1719, Mr. Esdaile stated that Mr. Gardiner had said he "mainly drew" the report of Lord Portman's Commission in 1850; is there any such statement in Mr. Gardiner's evidence in 1868?—I have not been able to find any such statement; the statement which Mr. Gardiner made was this: it was in reference to the case of The Attorney General *versus* The Marquis of Downshire; he says, "In Lord Portman's report full particulars of that case are given; I may refer to the facts in that report, and the sub-report, as containing substantially all the information I have to give on the subject, because I was in communication with Mr. Hume, and, I believe, a good deal of that matter was framed in communication with me." I am not aware that he ever said that he mainly drew the report.

3702. Was there any difference as to the wording of the rolling power between the Bill of 1792 and the Act of 1851?—Yes, there was the little word "said," which was not in the Bill of 1792, and is in the Act of 1851, with regard to certain inclosures which are to be re-inclosed.

3703. Will you be kind enough to explain to the Committee what difference that makes?—I understand that the contention is, that it is not a rolling power, because the section in the Act of 1851 contains the word "said," and only relates to what has been already mentioned, as is stated in the Bill of 1792; it says expressly "That where any inclosure is made, or is to be made, in pursuance of the former Act" (that is the Act of Will. 3), "or this Act," and so on, "it shall and may

Mr. John Stewart Hardy—continued.

may be lawful for his Majesty to inclose other lands in lieu thereof."

Lord Henry Scott.

3704. Was that Bill passed?—It was passed by the House of Commons but not by the House of Lords.

Mr. Cowper-Temple.

3705. I do not quite understand what you have stated about the word "said;" I see in the 9 & 10 Will. 3, in the 3rd section, the word "said" is placed before the 2,000 acres?—Yes, I contrasted the Bill of 1792 with the Bill of 1851.

3706. You admit that in the Act of Will. 3 the word "said" exists; but you say that it was not in the other Bill, is that so?—The Act of Will. 3 is differently worded, in many ways, from the Bill of 1792 and from the Act of 1851.

3707. Is the word "said" placed before the 2,000 acres in the 9 & 10 Will. 3, s. 3?—Yes, but it goes on to refer to the throwing out of second inclosures, as if it were not limited to what is already mentioned.

Lord Henry Scott.

3708. The question is, does the word "said" come before the 2,000 acres in that section?—I admit that the word "said" comes before the 2,000 acres in the Act of Will. 3.

Mr. John Stewart Hardy.

3709. Are there any petitions as to the removal of the deer which you can lay before the Committee?—There is one petition to the Queen against the New Forest Deer Removal Bill, previously to its going before the Committee, signed by several noblemen and gentlemen in the New Forest, including Lord Malmesbury, the Duke of Buccleuch, and Mr. Morant. A note to his signature says, "John Morant, dissentient to the contents of the above petition, as respects the fallow deer, &c., concurs that the present stock of red deer may be kept up without sensible injury to the borderers." Mr. Morant was the gentleman whose agent gave such strong evidence with regard to the injury done to his property previous to their removal. There was another petition (after the Deer Removal Act was passed) in 1852, a petition by Mr. Rigby Wason. "The humble petition of Rigby Wason, of Corwar, in the county of Ayr, Esquire." After referring to the Report of the Commissioners of 1850, he says "That an Act of Parliament was passed last Session, entitled 'An Act to extinguish the right of the Crown to deer in the New Forest, and to give compensation in lieu thereof,' but the compensation professed to be given by the said Act for what its preamble states to be the extinguishment of the important and valuable vested right of the Crown to stock and keep the forest stocked with deer, is a fraud upon the public, both in quality and in quantity, and this offence has been perpetrated for the advantage of the noblemen, gentlemen, and others having rights of common in the New Forest." Then the next petition after that that I am aware of to the House of Commons, was by the noble Lord the Member for South Hants, which was presented in the year 1875.

3710. Can you state what was the extent of the interest of the petitioners against the Bill of 1851, who were represented by counsel?—Yes, to 0.100.

Mr. John Stewart Hardy—continued.

a certain extent I am able to do so. The Duke of Buccleuch was afterwards found entitled to rights of common with regard to 8,762 acres of land. Taking the petition of the noble Lord to be accurate, and that 65,000 acres is about the whole extent of the land having common rights, that would show that the Duke of Buccleuch represented one-eighth of the common rights of pasturage. He had also rights of common for 170 houses. Lord Malmesbury had rights with regard to 1,621 acres; Sir Charles Hulse had rights with regard to 2,502 acres; Mr. John Mills had rights to common with regard to 1,660 acres and 21 messuages. As to Thomas Robbins, I cannot find the exact name in the register, so I suppose he sold his property between the date of the petition and the decision of the Committee. Mr. Castleman, who is now represented by Mr. Esdaile, was a commoner, in respect of 676 acres and 14 messuages. As to Mr. Laurence Hill, his name does not appear in the register; I suppose his property also was sold; the total acreage represented by the petitioners against the Bill of 1851 is about 15,221 acres, and 205 houses. Perhaps the Committee would like to have the acreage of some of the largest holders of common rights. Lord Henry Scott, 8,762 acres; Lord Normanston, 4,374 acres; Lord Radnor, 4,135 acres; Mr. Morant, 4,127 acres; Mr. Drummond, 3,809 acres; Mrs. Vaudry, late Sir John Barker Mill, 2,648 acres; Sir George Gervis, 2,063 acres; and Sir Edward Hulse, 2,502 acres. In addition to those, among the large common-right owners, are Lord Ilchester, Lord Nelson, Lord Malmesbury, Mr. Sloane Stanley, Mr. Eyre, and some others.

3711. Did the agents for the petitioners make any statement on the 17th July 1851?—Yes; they stated on that day, according to the notes, that they were originally concerned for the petitioners against the Bill, who were then consenting parties to the clauses of the Bill.

3712. Was a print of the Bill, as amended, sent to the agent for the petitioners by the solicitor for the Crown on the 29th July?—It appears so from the bill of costs, which has been put in.

3713. Had the commoners, in June 1851, means of judging of the effects of inclosing and planting on land which had been inclosed and planted under the Act of 1698?—Yes; I think I stated in my evidence in chief, that all the inclosures which have been thrown out, were thrown out, in fact, before the Act of 1851 was passed; therefore they had the same means of knowledge when the Act passed as they have now, with regard to the condition of the land after the inclosures were thrown open.

3714. The rights of common in the New Forest having been clearly settled by the Commission under the Act of 1854, do you think it to the public interest that new rights should be granted over the New Forest for the benefit of private landowners?—I think certainly not.

3715. It has been stated by Mr. Esdaile, that in the case of Burley Manor and other cases, commoners made no claims to rights of common in fence months; do you think it would be reasonable to give them rights which they did not claim?—I think it would not be reasonable to do so.

3716. Can you give the Committee any information as to claims made under the Acts of 1851

Mr. H. Watson.
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Mr
H. Watson.
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1875.

Mr. John Stewart Hardy—continued.

1851 and 1854?—Yes; this is a material point, and I do not think that it has been very fully stated to the Committee. The claims sent in under the Acts of 1851 and 1854, in many cases, as Mr. Esdaile pointed out very fairly, were claims to rights of common, except during the forbidden season, or, in many cases, except during the fence month, and, in some cases, except during the fence month and winter heyning. It is said that those claims had reference to the state of things before the passing of the Act of 1851. Now, if the Committee will do me the favour to consider what that involves, I will try to explain it. The Act of 1851 made an alteration in the status of the commoners, or it did not. If the commoners believed that it did not, they had no grievance, merely because the Act did not abolish winter heyning or fence month. If they thought the Act altered the law, why did they not claim during the whole year? Then, assuming that the claims had reference to the state of things as it existed before the Act passed, did they mean them to have reference to the future or to the past; what was the use of having records of claims with reference to a state of things which was altered by the Act of 1851?—It seems to me that it would have been perfectly idle to make any such claims. The Act of 1851 itself says, the object of inquiring with respect to the rights of the commoners was to provide an easy and economical mode of adjudicating on and finally settling all such claims. Now if the claims were to rights which had existed up to the year 1851, and if the law was altered by the Act of 1851, what was the object of making the claims according to the old law? If the commoners believed that the law was not altered by the Act of 1851, there was no prejudice to them by the Act of 1851; they were not deceived. Then, I would venture to point out also, that unless a claim was objected to, that claim would be allowed. Now, with regard to Lord Malmesbury and Mr. Castleman, I understand one of the grievances was, that the commoners were deceived by the provisions of the Act of 1851; they thought the Act abolished fence month and winter heyning. I could easily show that their own action, subsequent to the Act of 1851, proves that they were not deceived.

3717. Can you give this Committee any information with regard to those claims, and as to the opinions of certain influential commoners?—Yes, I will limit myself to two cases of petitioners against the Bill, represented by counsel, Lord Malmesbury, and Mr. Castleman; Lord Malmesbury sent in three claims, one in the parish of Christchurch; he claims "common of pasture for all cattle, except sheep levant and couchant, &c., from the 1st day of May till the 14th day of September, in every year, common of pannage, in pannage time, for all hogs ringed, bred, and kept within the manor, &c. for which the claim is made," and so on.

Mr. Cowper-Temple.

3718. What is the date of that claim?—It has no date.

3719. I suppose it was long after the Act of 1851 passed?—It was after the Act.

3720. Has that any bearing on what was the opinion at the time the Bill was passing through Parliament?—I should think that that shows

Mr. Cowper-Temple—continued.

clearly what Lord Malmesbury believed to be the effect of the Bill, because after the Act is passed he makes a claim limited to four months and a half in such year.

3721. But does that throw any light on what was believed in the year 1851?—He never complained of the Act; the next claim of Lord Malmesbury is "common of pasture for all commonable cattle (except sheep), and for all beasts called rother beasts, and horse beasts, levant and couchant, from Holyrood day in May till Holyrood day in September following, common of pannage, in pannage time, for hogs ringed, levant, and couchant." In Ringwood, Lord Malmesbury claims "common of pasture for all cattle (except sheep) at all times of the year, except fence month, levant and couchant; common of pannage for all hogs kept on the manors, &c., in respect of which the claim is made." Mr. Castleman, who was Mr. Esdaile's predecessor in the title, makes this claim in accordance with a claim that Mr. Castleman sent in before Lord Portman's Commission, in 1850, when, I think, Mr. Esdaile supposed that no inquiry was made; he claims for himself common pasture at all times of the year, except fence month.

Chairman.

3722. Was there any preface to the New Forest "Register of Decisions" on claims to New Forest rights by the Commissioners acting under the Act of 17 & 18 Vict. c. 49?—Yes; this was the preface: "In consequence of the Act passed in 17th and 18th years of Her Majesty's reign, cap. 49, 'For the settlement of claims upon and over the New Forest,' the Commissioner in charge of the forest has considered it important, with the view to checking abuses in the forest in future, that the rights allowed by the Commissioners appointed by virtue of the said Act should be well known, not only to those who have the charge of carrying out the decisions of those Commissioners, but likewise to the owners and occupiers of property generally entitled to rights over the said forest; he has, therefore, under the authority of the Treasury, had the Register of the Decisions of the said Commissioners printed in a concise form, so that all parties interested in the same can readily refer thereto." Copies of their decision were sent out in great number, and they were sold in the forest, so that every one had due notice, and I believe no complaints were ever made until, I think, 1867 against the decision that had been given in 1857.

3723. All the parties who were interested had full opportunity of knowing the facts?—Yes.

3724. Was there a drift authorised in the winter of 1865 or 1866; have you any evidence to show that there was?—I put in the authority for a drift on the last occasion; but since I was examined I have been furnished with a letter from Mr. Cumberbatch, dated the 19th January 1866, showing why it became unnecessary to put that drift into force: "I beg to inform you that I have delayed to report upon your instructions, because since writing my letter of the 13th of December last, it has occurred to me that possibly more harm than good might be done by excluding all commonable cattle from the forest during the present winter heyning. At present, a certain

Chairman—continued.

certain limited number of animals are turned out during the day time by commoners living within or immediately on the borders of the unenclosed land of the New Forest, these animals have an abundance of food, pure water, air, and exercise, and are in a high state of health; they generally belong to poor persons who cannot afford to feed them as highly as they ought to be fed if they are compelled to confine them in their own sheds and small fields. I therefore think that they will in consequence be weakened and less able to resist the disease. Be this as it may, the question of turning out cattle upon the unenclosed lands of Hants, including the New Forest, has been settled by the magistrates of the county passing two resolutions at Winchester on Wednesday the 17th instant, of which I send you a printed copy. I beg to inform you that there would be no bad feeling occasioned by clearing the forest of cattle at a day's notice during the winter heyning, as it has frequently been done. I beg to observe that I did not ask the concurrence of the verderers, but only for their advice on the subject of clearing the forest of cattle during the present winter heyning season on account of the cattle plague."

3725. Some observations have been made as to the notice of the Crown Land's Bill of 1866 not having been correctly given; have you any remarks to make on that subject?—The acuteness of the honourable and learned gentleman, the Member for the City of Oxford, has really anticipated the answer I have to make. It is this: This right of sporting over the New Forest is a right which belongs to the Crown. Under a public Act of Parliament, the 10th of Geo. 4, c. 50, there was a statutory restriction against the granting of leases which applied to this particular right. It is quite true that, after the wardenship ceased, there was a clause put in the Bill in 1851 authorising the Queen to grant licenses to sport, but I am not aware that it was any part of the bargain between the Crown and the commoners. I consider that the commoners had no more to do with granting the right of leases for shooting in New Forest than on any private estate; if they had had any such right of interference, notice under the Standing Orders must have been given. Lord Redesdale is quite alive to Bills affecting Crown property, and he would have had the Bill referred to the Standing Order Committee, and it would have been stopped. But, in fact, no notices were necessary.

3726. What was the amount produced by the sale of land to meet the expense of the inquiry as to rights of common?—Between 8,000*l.* and 9,000*l.*

3727. Do you consider that that expense, like the expense of draining part of the forest with tiles, was incurred mainly for the benefit of the commoners?—Yes, I think it was mainly for the benefit of the commoners.

3728. Do you think it would be advisable to buy up the fuel rights in the New Forest?—If the owners of the fuel rights are not ready to release them to the Crown, with a view to the preservation of the timber, which is necessary in order to provide for them, it might be worthy of consideration whether part of the money received from the Southampton and Dorchester Railway Company might not be applied in the purchase of the fuel rights. It has been stated in evidence before the Committee, that it is necessary to cut 0.100.

Chairman—continued.

down between 280 and 300 beech trees a year, in order to provide for those fuel rights. I believe that Mr. Eyre, whose son has been examined before the Committee, is entitled to 7½ loads of fuel, and that Mr. Esdaile is entitled to about 10 loads of fuel. Then, instead of cutting down a number of beech trees, the number depending, of course, on their size, one would suppose that those gentlemen would be ready to come forward to re-lease to the Crown, which would be a very graceful act on their part, those rights; but if they feel any reluctance to do it, it might be fairly open to consider whether part of the money received from the Southampton and Dorchester Railway Company, which is admitted to be paid both for the benefit of the Crown and the commoners, should not be applied in that way. Hitherto it has been applied more for the benefit of the commoners.

3729. It has been suggested that it would be a desirable arrangement to transfer the management of the New Forest from the Commissioners of Woods to the Commissioners of Works; can you give the Committee your opinion on that proposal?—So far as I am personally concerned, I can only say I should be extremely glad that such a transfer should take place; but if I look at the question from a public point of view, I cannot regard it in that way; it would be to transfer the property from an office which is non-political, to an office which has a political head. In one case that office has felt a difficulty, as it did when the right honourable gentleman was at the head of the office, with regard to the abolition of tolls on Chelsea Bridge, when he had to tell the House of Commons that it was impossible to sacrifice the property of the public for local purposes. Then, I think, such a transfer is not one which it is desirable to make.

3730. Is Windsor Park under the management of the Office of Woods?—Yes; part of Windsor Park consists of land which was formerly in Windsor Forest, which has been disafforested. I am not aware with regard to Windsor Park that the Commissioners of Woods and Forests have done what, I think, was suggested might be done in the case of the New Forest, if part of it were given to the Crown absolutely; that is to say, I am not aware that it is made "use of for every kind of abomination."

3731. Some observations have been made with regard to sales of land in the forest, can you give the Committee any information on that point?—I am not quite able to understand the position taken by the commoners on that point, because I find that between the year 1800 and the present time numerous sales of different parts of the forest have been made to different persons, including Mr. Esdaile and the Duke of Buccleuch, neither of whom, that I know of, had any doubt with regard to the title or right of the Crown to sell when they bought. I may state also that when in December 1870 Mr. Esdaile proposed a Bill for the separation of the interest of the Crown and the commoners, he and Mr. Castleman in their petition made this statement, "That by the Acts 9 & 10 Will. 3, c. 36; 39 & 40 Geo. 3, c. 86; 48 Geo. 3, c. 72; 10 Geo. 4, c. 50, and the Act of 14 & 15 Vict., c. 76, certain powers were given to the Crown to enclose portions of the open waste lands of the New Forest for planting with trees, as well as to sell and dispose of certain other portions of the said open waste

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waste lands, freed from all commonable rights over the same, but subject to such limitations as in the said several Acts are mentioned." I do not understand this; I suppose since he signed that petition he has been advised that there is no power to sell land freed from commonable rights. But that was his statement in the year 1870. Then the petition of Lord Henry Scott, which was referred to the Committee, paragraph 17 is to this effect, "That certain limited powers of sale and exchange of the open lands of the forest have been conferred by various Statutes passed during the present century before 1851, and that such powers have been from time to time exercised by Her Majesty's Commissioners of Woods and Forests, and large sums of money received by them on account of such sales, but that as to a portion of such sums so received the commoners have received no share of the benefit they were equitably entitled to." Now, that either means, as I apprehend it clearly does mean, that the commoners were entitled to a share of the money, or it means nothing; but I was rather surprised to hear the other day that Mr. Esdaile stated they had not made any claim for a share of the money received by the Commissioners of Woods for the sale of lands in the New Forest.

Lord Eslington.

3732. Will you be so good as to state what the petition prayed for?—This is the allegation in the petition; that they had not received certain moneys which they were entitled to; they would not have mentioned that in the prayer, if they had it would have required the consent of the Crown.

Chairman.

3733. You spoke of the petition for the Bill of 1871; will you state what that Bill was?—That was a Bill for the separation of the interests of the Crown and the commoners in the forest. There is only one paragraph in the preamble of that Bill which it may be desirable for me to read: "And whereas it is expedient to disafforest the said forest, and to have the respective values of the rights of Her Majesty and of the rights of the commoners over the same ascertained, and to carry out a division of the interests of Her Majesty and of the said commoners in and over the said forest, so that Her Majesty may hold a portion of the said forest for her own absolute use and benefit freed and discharged from all commonable rights (except rights of common of estovers or fuel assignments), and that the commoners may enjoy the other portion of the said forest freed and discharged from all forestal or other rights of Her Majesty."

3734. Was that Bill proceeded with?—That Bill was not proceeded with; it was deposited; on the petition of Mr. Esdaile and Mr. Castleman, it was not further proceeded with.

3735. Was the consent of the Crown given or refused to that Bill?—I do not remember that any formal application for the consent of the Crown was made.

3736. Can you, on behalf of the Office of Woods, make any suggestion to the Committee as to the course which might be adopted with respect to the future management of the New Forest?—It is hardly within my province; I should not propose, unless the Committee desired it, to offer any

Chairman—continued.

opinion on that subject; but I am ready to state the courses which seem to me to be open; however, I do not desire to offer any opinion.

Sir William Harcourt.

3737. This question of winter heyning, so far as the Crown is concerned, is simply material with regard to the proportion which the commoners might get in some future severance in the character of an inclosure, is it not?—That is one main point; but I must guard myself by saying, that however cautiously worded an Act of Parliament might be, conferring a right on the commoners, which they have not now to turn out during either the winter heyning or fence month, unless that right was a right which could be withdrawn at the pleasure of the Crown, I am afraid that no Inclosure Commissioners would have sufficient regard to a direction that they should consider the right as non-existing.

3738. Practically, and really, the question is one which arises only on severance and not a right which is peculiar to the Crown as long as things remain in their present position; is not that so?—One main object is probably that which the honourable and learned gentleman states, but I cannot say that it is the only object. The Crown has the freehold.

3739. Assuming the Committee to be clearly of opinion that there ought to be no severance of rights as between the Crown and the commoners, then the question of winter heyning and fence month would not be a material question, would it?—I think it would be a material question with regard to the future. Mr. Esdaile said, in the year 1868, that, at some time or other, he looked forward to the inclosure of the forest, and, though public opinion now points in the other direction, public opinion does not always point in the same direction.

3740. Now assuming the Crown to continue the inclosures up to the point authorised by the Act of 1851, how would you propose it should be settled which of the two principles is to predominate—land which is valuable for planting, or lands which are convenient for the commoners?—That is a question which has engaged my attention, and my view of it is, certainly, that the prior object is the planting, and that the Commissioners are to ascertain that which is best suited to the growth of timber; and then having settled that which is best suited to the growth of timber, they are, in the next place, to ascertain that which can be best spared from the other point of view.

3741. Supposing the result of taking the balance still remaining to the Crown, of the best lands for planting, was entirely or nearly wholly to destroy the rights of pasture of the commoners, what should you say?—I can only say that the provisions of the Act of Parliament direct that to be done.

3742. You would be prepared to extinguish altogether the rights of pasture of the commoners if that were the consequence of taking the 5,000 acres of the best lands, would you?—I do not think that can happen, because only 16,000 acres out of 63,000 acres can be inclosed at the same time.

3743. But assuming, in the way I have put to you, the whole of the pasturage of the commoners were destroyed, what would be the view of the Woods and Forests with regard to the rights of the commoners?—I would venture to assume that that state of things cannot exist.

3744. Do

Sir William Harcourt—continued.

3744. Do not assume that, because we have strong evidence that if 5,000 acres were taken there would be little or none left for the commoners; that is not a consequence which the Commissioners of Woods and Forests would desire to bring about, is it?—The Commissioners have their duty to perform, namely, to carry out the provisions of the Act of Parliament, but the Commissioners are not persons who are in the majority on the Commission for setting out these inclosures. The majority of the Commissioners are gentlemen who have property in the forest, and who are likely to take due care of the interests of the commoners.

3745. But it might be that the Commissioners might be called upon to inclose the best lands for planting in the forest, and they might find themselves in the situation of being obliged to deprive the commoners of all valuable rights of pasture; is that a state of things which the department you represent would desire to bring about?—Their only desire would be that the provisions of the Act should be fairly and properly carried out as between the Crown and the commoners.

3746. You cannot go any further than that, can you?—I cannot go any further than that, because I have not sufficient knowledge with regard to the pasturage, and other local matters.

3747. It would be immaterial, from your point of view, whether such a measure resulted or did not result in the extinction of the rights of the commoners altogether?—I do not think that any such result could happen, because only 16,000 acres could be inclosed. Opinions differ very much with regard to the value of the lands which have been inclosed.

3748. Are you aware how much land at the present time there is uninclosed in the forest which is of substantial value in respect of pasture?—I do not know that.

3749. You cannot tell, if 5,000 acres of good pasture land were taken for the purpose of inclosures, how much would be left for the commoners?—I am not able to give that fact.

3750. That is a point which the department have not considered, is it?—As solicitor to the department, I have not had cast upon me the duty of considering it.

Mr. Cowper-Temple.

3751. Are you aware that the opinion given by Mr. Kingdon, and produced before this Committee, covers the Act of Will. 3, as well as that of Geo. 3, 1808, and the Deer Removal Act?—I have not seen that opinion.

3752. You are not aware that that opinion stated that under these Acts of Parliament the right of inclosing was only given to the extent of double the quantity mentioned in the original Acts?—I have not seen that opinion, but I am aware that Mr. Esdaile has so stated.

3753. As you have no legal grounds to give us in corroboration of the action of the Commissioners of Woods in planting 14,000 acres instead of 12,000 acres, under the Act of King Will. 3, except the assumption of a Commission of Inquiry and the statement of a witness, do you think we may fairly assume that the Department of Woods acted illegally in extending their planting power beyond 12,000 acres?—I think the right honourable gentleman would be very much mistaken if he assumed anything of the kind. I have pointed out to the
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Mr. Cowper-Temple—continued.

Committee two Acts of Parliament, and a report of a Royal Commission, and the admission of a very learned counsel, who appeared for the Duke of Buccleuch and Lord Malmesbury before the Act of 1851, and they all recognised the power under the Act of Will. 3, as being a rolling power. I only hope that the time is not far distant when all doubts may be put an end to, as well as all questions under the Act of 1851, by the action of Parliament. I think no one can doubt that Mr. Jenkinson very fairly stated what the intention of the Legislature was.

3754. Did I understand you to say that you had quoted Acts of Parliament in support of your view?—I referred to the Act of 1808 and the Act of 1851, as both sanctioning a new departure under the Act of Will. 3.

3755. Are you aware that it was on the construction of those Acts that Mr. Kingdon's opinion stated that the rolling power did not exist?—I have not seen the case.

3756. Can you tell me why the department, on a matter of so much importance, and a matter so much disputed, did not take legal opinion?—I am not aware that it was ever disputed until the year 1867. On the contrary, Mr. Esdaile put in a statement before the House of Lords' Committee so late as the year 1868, in which, referring to the Deer Removal Act, he said, the result, among other things, would be to make the forest one huge wood, which could not be done unless the power was a rolling power.

3757. Do you mean to say that, if your department could have obtained a legal opinion in support of your views, you would have allowed all these years to pass away since 1867, without obtaining some confirmation of your procedure?—The Bill of 1871 contained a clause which declared that it was a rolling power. The department thought that, looking at what had been done by Parliament before, and the opinion of the Commission, under the Act of 26 Geo. 3, it was a proper course to ask Parliament to declare that it was a rolling power.

3758. Should I be right in taking that clause in the Bill, affirming the view of the Office, as a proof that they did not believe they at the time possessed the power which they wanted to have given them by the Bill?—The clause proves that a question had been raised which the advisers of the Crown thought should be settled, and they asked Parliament to settle it in that way.

3759. Do you not suppose that if the legal advisers of the Crown could have stated that the Act of Parliament was clearly in favour of the view of the Office of Woods, that would have been unnecessary?—I cannot say what the Attorney General and the Solicitor General might have stated, if they had been asked; I only know that the Commissioners thought it a proper course to apply to Parliament for a statutory declaration.

3760. But you have no legal opinion to produce to the Committee in favour of your view, have you?—As a matter of fact, I am not aware that any legal opinion has been taken one way or the other, except as above stated.

Lord Estington.

3761. I want to know whether, in framing the Bill of 1861, the opinion of the law officers of the Crown was taken with reference to the extent of the power in question?—I have already stated
that

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Lord *Eslington*—continued

that I am not aware the law officers of the Crown were ever consulted on the subject.

Mr. *Cowper-Temple*.

3762. Is there not a section in the Act of 1854 declaring that all claims made by the owners of common rights must be made subject to the usage of the forest?—Yes.

3763. Consequently, could the claims you introduced just now have been made in any other form than they were made?—That clause relates primarily to the confirmation of the rights which had been exercised from the year 1800. The latter part of the clause was, I think, intended only to apply to that particular class of rights. Whether that is so or not, I do not say; but even if it were not so, it would only carry the matter a stage farther, because then it would be a declaration by Parliament that the rights were exercisable only during those seasons.

3764. Were not all the claims made immediately after the Act of 1851, made for the whole year, irrespective of the winter heyning and fence month?—I believe certainly not; I put in the claims by Mr. Castleman and Lord Malmesbury, in which neither of them were so, and those claims were put in in the year 1852. The Act of 1854 enabled them to amend their claims; Mr. Morant amended his claim, and full opportunity was given under that Act of Parliament for every one to do so. Lord Malmesbury and Mr. Castleman did not send in an amended claim.

3765. With regard to those claims which were made immediately after the Act of 1851, I was under the impression that the commoners who made claims at that time made them under the belief, as is shown by the claims, that winter

Mr. *Cowper-Temple*—continued.

heyning and fence month were abolished?—I think that is just what has been stated, namely, that in many cases, certain seasons were excluded from the claims.

Lord *Eslington*.

3766. With regard to sales of land of 1,000 *l.* value in any one year, can you tell me whether any portions of those lands have been sold to what I may call peasant proprietors?—I should say so, from the names (I really cannot answer the question otherwise); I mean the names which I do not know to be those of gentlemen of property in the forest.

3767. But supposing an application of that kind was made, would it be favourably considered by the Commissioners?—At the present moment, we are directed to observe the Resolution of the House of Commons, which direction prevents any inclosures at all being made.

Lord *Henry Scott*.

3768. You have stated that it had been given in evidence before us, that between 280 and 300 beeches annually were required to be cut down?—I think so.

3769. Is not that contained in Mr. Howard's Report in evidence?—That may be so.

3770. Might I refer you to Question 954, in the Minutes of Evidence taken before the Select Committee of 1868. You will find that Mr. Cumberbatch is asked this: "Do you find that the demand for fuel makes it necessary to destroy a great deal of that ornamental timber," and he replies, "No; we now give the fuel wood from the tops of the ordinary fall of timber"?—That may be so; but if the planting is stopped, we shall have, in time, to come to other beeches.

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THE NEW FOREST.

Appendix, No. 1.

ACT of 1698.

EXTRACTS from the JOURNALS of the HOUSE of COMMONS.

9th December 1697.

Ordered, That leave be given to bring in a Bill for the better preserving the timber in New Forest, and that Mr. Smith do prepare and bring in the Bill.

18th December 1697.

Mr. Smith, according to order, presented to the House a Bill for increase and preservation of timber in the New Forest, in the county of Southampton; and the same was received.

The Bill was read the first time.

Resolved, That the Bill be read a second time upon Tuesday morning next.

22nd December 1697.

A Bill for increase and preservation of timber in the New Forest, in the county of Southampton, was, according to order, read a second time.

Resolved, That the Bill be committed to a Committee of the whole House.

Resolved, That this House will, to-morrow fortnight, resolve itself into a Committee of the whole House, to consider of the said Bill.

Ordered, That the Commissioners of the Navy and Mr. Ryly, the surveyor of the woods in the forests south, do then attend the said Committee; and that they do then give an account of all the timber and wood in the said Forest, and what the same is fit for.

Ordered, That it be an instruction to the said Committee that they do consider how to restrain all grants of the said Forest, and how to appropriate the overplus of the money to be raised by sale of wood, over and above the necessary expense of making the inclosure intended by the said Bill.

Ordered, That it be also an instruction to the said Committee that they do consider of some other way of raising money for making the said inclosure than by sale of timber in the said Forest.

14th January 1697.

A petition of several persons dwelling in and near the New Forest, in the county of Southampton, was presented to the House and read, setting forth, That the petitioners severally hold from the Crown divers lands lying in and near New Forest, and they and their ancestors have enjoyed common of pasture, turbary, and pannage in the said Forest, and do pay to the Crown divers rents and services for the same: That the petitioners are informed there is a Bill depending in the House for the increase and preservation of timber in the New Forest, in the county of Southampton: And praying, That they may be heard against the Bill before the same do pass.

Ordered, That the consideration of the said Petition be referred to the Committee of the whole House, to whom the said Bill is committed.

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Appendix, No. 1.

19th January 1697.

The House, according to the Order of the Day, resolved itself into a Committee of the whole House, upon the Bill for the increase and preservation of timber in the New Forest, in the county of Southampton.

Mr. Speaker left the chair.

Mr. Smith took the chair of the Committee.

Mr. Speaker resumed the chair.

Mr. Smith reported from the said Committee, That they had made a further progress in the matter to them referred, and had directed him to move, That they may have leave to sit again.

Resolved, That this House will, upon Tuesday morning next, resolve itself into a Committee of the whole House, to consider further of the said Bill.

7th February 1697.

A petition of several freeholders and others, living in and near Exbury, near the New Forest, in the county of Southampton, was presented to the House and read, setting forth, that they and their ancestors have, time out of mind, claimed and now enjoy common of pasture, turbary, and panage in the said Forest, which has been a great nursery for breeding cattle; and the petitioners perform services and pay rents to the Crown for the same: That a Bill depending in the House, for the increase and preservation of timber in the said Forest, will prejudice the petitioners and many thousand others who have the same rights and privileges: And praying to be heard against the said Bill.

Ordered, That the consideration of the said petition be referred to the Committee of the whole House, to whom the said Bill is committed.

A petition of several freeholders and others, living in or near Fawley, near the New Forest, in the county of Southampton, was presented to the House and read, setting forth, That they, of right, have common of pasture in the said Forest, and pay and perform rents and services to the Crown for the same: That they are informed a Bill is brought into the House for the increase and preservation of timber in the said Forest, which will destroy the petitioners' privileges therein by inclosing the same: And praying that they may be heard to give their reasons against passing the said Bill.

Ordered, That the consideration of the said petition be referred to the Committee of the whole House, to whom the said Bill is committed.

A petition of several inhabitants in and near the New Forest, in the county of Southampton, was presented to the House and read, setting forth, That they hold from the Crown several lands near the said Forest, for which they enjoy common of pasture therein, and pay and do divers rents and services: That about four or five years ago there was a Bill brought into the House, as there now is, for the increase and preservation of timber in the said Forest; which Bill was for inclosing part of the Forest, and consequently destroying the petitioners' rights and privileges; but, on hearing the petitioners and others, that Bill did not pass: And praying to be heard against the now Bill.

Ordered, That the consideration of the said petition be referred to the Committee of the whole House, to whom the said Bill is committed.

A petition of several freeholders and others living in or near the borough of Lymington, near the New Forest, in the county of Southampton, was presented to the House and read, setting forth, That they and their ancestors have, beyond memory, enjoyed common of pasture, turbary, and panage in the said Forest, and pay and perform divers rents and duties to the Crown therefor: And praying that the Bill depending in the House, for the increase and preservation of timber in the said Forest, may not pass, for that the same will prejudice the petitioners' rights and privileges.

Ordered, That the consideration of the said petition be referred to the Committee of the whole House, to whom the said Bill is committed.

A petition of several freeholders and others living in or near the borough of Christchurch, near the New Forest, in the county of Southampton, was presented to the House and read, setting forth, That the petitioners and their predecessors have enjoyed common of pasture, turbary, and panage in the said Forest, and they now pay and do divers rents and services to the Crown for the same: That they are informed a Bill is brought into the House for the increase and preservation of timber in the said Forest, by inclosing part thereof, which inclosure will not only prejudice the petitioners, but thousands of others who have an equal dependence in the said Forest with the petitioners: And praying to be heard against the said Bill.

Ordered, That the consideration of the said petition be referred to the Committee of the whole House, to whom the said Bill is committed.

17th February 1697.

Resolved, That this House do immediately resolve itself into a Committee of the whole House, to consider further of the Bill for the increase and preservation of timber in the New Forest, in the county of Southampton:

And the House resolved itself into a Committee of the whole House accordingly.

Mr. Speaker left the chair.

Mr. Smith took the chair of the Committee.

Mr. Speaker resumed the chair.

Mr.

Mr. Smith reported from the said Committee that they had gone through the Bill, and made several amendments thereunto, which they had directed him to report when the House will please to receive the same: And also acquainted the House that the Committee had heard several persons, who were directed to attend the said Committee, and had read the several petitions referred to the consideration of the said Committee; and, in regard they prayed to be heard by their counsel against the passing of the Bill, the Committee submitted it to the House how and when the petitioners should be heard by their counsel against the Bill.

Ordered, That the said report be made upon Saturday come fortnight, and that the petitioners be then heard by their counsel, at the bar of this House, against the said Bill.

5th March 1697.

The House being informed, that the petitioners and counsel attended to be heard upon the Bill for the increase and preservation of timber in the New Forest, in the county of Southampton;

They were called in, and heard at the bar accordingly; and also several witnesses were examined.

And then the petitioners, and counsel, and witnesses withdrew.

And Mr. Smith reported from the Committee of the whole House, to whom the said Bill was committed, the amendments made by the Committee thereunto; which he read in his place, and afterwards delivered in at the clerk's table: Where the same was once read throughout, and then a second time, one by one; and, upon the question severally put thereupon, all but one, which was disagreed unto, agreed unto by the House.

A clause was offered to be added to the Bill, that the money for the expenses of the inclosures be paid out of the Exchequer:

And the same was twice read, and, by leave of the House, withdrawn.

And a clause was offered to be added to the Bill, to free the borderers upon the Forest from trespasses.

And the same was once read.

And the question being put, that the clause be read a second time;

It passed in the negative.

Ordered, that the Bill with the amendments, be engrossed.

28th March 1698.

Resolved, That the engrossed Bill for the increase and preservation of timber in the New Forest, in the county of Southampton, be now read the third time.

The Bill was read the third time.

An amendment was proposed to be made, Press*, L*, by leaving out "and by sale of like decayed trees, in the said Forest, of oak or beech, not being ship timber, raise money for defraying the charge of making the said inclosures, the same to be accounted, and";

And the same was, upon the question put thereupon, agreed unto by the House, and the Bill amended at the table accordingly.

Then the question being put, that the Bill do pass;

The House divided.

The yeas go forth.

Tellers for the yeas,	{ Sir Henry Hobart,	} 122.
	{ Mr. Ogle,	

Tellers for the noes,	{ Sir John Bolles,	} 96.
	{ Sir Charles Windham,	

So it was resolved in the affirmative.

Resolved, That the title be, an Act for the increase and preservation of timber in the New Forest in the county of Southampton.

Ordered, That Mr. Smith do carry the Bill to the Lords, and desire their concurrence thereunto.

14th June 1698.

The House, according to order, proceeded to take into consideration the amendments made by the Lords to the Bill intituled An Act for the increase and preservation of timber in the New Forest, in the county of Southampton:

And the same, being twice read, were upon the question severally put thereupon, agreed unto by the House, and are as follow, viz. :—

1 Sk. l. 19, leave out "forthwith."

2 Sk. l. 1, after "acres" add "shall be made in manner following; that is to say, 1,000 of the said acres."

L. 5, after "ever" add "the remaining 1,000 acres, from and immediately after the determination of the first session of Parliament which shall be held after the year of our Lord 1699, shall be in like manner admeasured by a sworn surveyor, and set out and inclosed, butted and bounded; and the quantities, butts, and boulders thereof returned into the said Court of Exchequer, there to remain of record."

L. 9, instead of "inclosure" read "several inclosures;" and after "of" read "the said."

Appendix, No. 1.

L. 18, leave out "defraying the charges and."

4 Sk. l. 9, after **, add clause A: "And be it further enacted, by the authority aforesaid, that the said inclosures shall not be plowed, or sowed with any corn, or fed with any cattle, or be, at any time or times hereafter, kept for underwood, but in such manner only as shall be fit for the raising and preserving of timber for the use of the Navy."

L. 16, after "officer" add, "or any other person whatsoever."

L. 25, after "law" add "except in the waste ground of the said Forest, to be then appointed by one or more of the verdurers, and two or more of the regards of the surveyor or woodard, and not within 1,000 paces of any inclosure to be made by this Act, nor shall any of the said coal hearths or coal fires be fenced with bushes, but with heath or furz only."

7 Sk. l. 7, after "defendant" add "and shall also be incapable of holding or enjoying any office or employment whatsoever."

Clause B.: "And be it further enacted, that at all times hereafter, when any sale of wood shall be ordered to be made within the said Forest, publick notice thereof shall be given, by the proper officers of the Forest, in all the adjacent market towns, three weeks at least before such sale, of the time and place where such sale shall be made; and that the officers, who are usually in that case intrusted, do set a valuation, before the day of sale, of the wood to be sold, of which valuation to be made notice shall be given to two or more of the verdurers of the said Forest; and the person or persons who, at the time and place aforesaid, shall offer most money for the parcel of wood then to be sold, over and above the same was valued at making his proposal in writing and giving good security for payment of the said money, shall be the purchaser."

Clause C: "And be it further enacted, that no officer whatsoever shall take any fee, poundage, gratuity, or reward, for the felling of any trees to cut down for the inclosures to be made by virtue of this Act, or for or upon the sale of the residue or remainder of such trees as shall be cut down for the purposes aforesaid, if any there be, or for the sale of the lops, tops, or roots of the said trees."

Clause D: "And be it further enacted, that if any officer whatsoever shall offend, in cutting down and disposing of any trees, contrary to the intent of this Act, such officer shall, for such his offence, forfeit his office."

Ordered, That Mr. Smith do carry the Bill to the Lords, and acquaint them, that this House hath agreed to the said amendments.

EXTRACTS from the HOUSE OF LORDS' JOURNALS.

28th March 1698.

A message from the House of Commons, by Mr. Smith and others, who brought up a Bill entitled "An Act for the increase and preservation of Timber in the New Forest, in the County of Southampton;" to which they desire the concurrence of this House.

Ordered, That the said Bill be read on Friday next, and all the Lords summoned to attend.

1st April.

Bill read first time. Upon reading the petitions of inhabitants of the several towns or parishes of Ringwood, Breamer, Fordingbridge, Ashley, Eling, Christchurch, Sopley, Holnhurst, Downton, and Lymington, in the county of Southampton, praying that they may be heard by their counsel against the Bill;

It is ordered, That the petitioners shall be heard by their counsel against the said Bill on Friday the 15th instant, as also counsel for the said Bill, if desired; after which the said Bill shall be read a second time.

15th April.

On Tuesday, the 3rd day of May next, this House will peremptorily, and without any further delay, hear all persons who shall think themselves concerned for and against the said Bill, by themselves or counsel.

3rd May.

After hearing counsel and witnesses for and against the Bill, and debate thereupon;

It is ordered, that the further consideration of the matter shall be resumed on Friday next, at 11 o'clock, and that then the counsel and witnesses do attend, and all the Lords summoned.

6th May.

After hearing counsel and witnesses for and against the Bill;
The Bill was read a second time, and Committee for Wednesday.

Lords

Lords Committees appointed to consider of what abuses have been committed in any of His Majesty's Forests, and what grants of timber have been made in any of them, and have power to send for persons, papers, and records, and having heard such persons concerning the same as they shall think fit, and afterwards to report to the House. Appendix, No 1.

65 Peers named on committees; five to be a quorum to meet on Friday next.

11th May.

House in Committee on Bill. After some time the House was resumed, and Lord Herbert reported that the Committee had made some progress with the Bill, and desired another day may be appointed for them to proceed thereon.

Ordered, That the House be in Committee again upon said Bill on Monday next.

Ordered, That the Committee appointed the 6th of this instant May, to consider of what abuses have been committed in the New Forest, and what grants of timber have been made there, do also consider what may be the best and most effectual way of making enclosures and fences for preservation of timber in the New Forest.

16th May.

Ordered, That the report shall be made from the Lords Committees appointed to consider the best and most convenient way for inclosing the said Forest, on Wednesday next at 12 o'clock; after which the House shall be put into a Committee on the said Bill.

18th May.

Report from the said Committee to be made on Saturday next.

20th May.

Report ordered to be made on Thursday.

Ordered, That the Lords Committees appointed to consider of the abuses in the New Forest do meet on Thursday next, at 10 of the clock in the forenoon.

25th May.

The Earl of Tankerville reported from the Lords' Committees appointed to consider what may be the best and most effectual way for making enclosures and fences for the preservation of the timber in the New Forest, "That they had heard and received several proposals from several persons in relation thereunto, which they offered to their Lordships' consideration." Then the said proposals were read, and the House was adjourned during pleasure, and put into a Committee on the Bill; the House resumed, and Lord Herbert reported progress.

26th May.

House in Committee. House resumed, and progress reported.

27th May.

Lord Herbert reported the Bill (from the Committee of the whole House) as fit to pass, with several amendments; which were read twice, and agreed to.

A clause being offered;

Ordered, That the Bill be re-committed to consider of the said clause. The House went into Committee.

Lord Herbert reported the clause; which was twice read, and agreed to. Bill ordered to be engrossed, and read the third time to-morrow morning.

28th May.

Bill read a third time, and passed.

Appendix, No. 2.

PAPER handed in by Mr. *Watson*, 11 May 1875.

SOLICITOR'S BILL for soliciting and passing "An Act to extinguish the Right of the Crown to Deer
"in the New Forest, and to give Compensation in lieu thereof, and for other Purposes relating to the
"said Forest."

IN PARLIAMENT.

1851:		£.	s.	d.	£.	s.	d.
22 January -	Attending Lord Seymour at the Office of Woods, conferring on the scheme of the Bill, when his Lordship returned us the fair copy heads, with instructions to have the preparation of the Bill proceeded with	-	-	-	18	4	-
23 January -	Drawing the Bill pursuant to notice, and scheme as approved by Lord Seymour, fol. 41	-	-	-	4	2	-
	Drawing instructions to Mr. Ker to settle same, fol. 10 and copy	-	-	-	1	10	-
	Fee to Mr. Ker to settle same and clerk	11	-	6	-	-	-
	Attending him	-	-	-	18	4	-
	Attending at the Queen's Printers to procure print of the Act 48 Geo. 3, c. 72, for Mr. Ker, at his request	-	-	-	6	8	-
6. 8.	Attending Mr. Ker therewith	-	-	-	6	8	-
31 January -	Attending in Lincoln's Inn, to appoint a conference with Mr. Ker on the draft Bill	-	-	-	6	8	-
	Fee to him for conference and clerk	2	7	-	-	-	-
	Attending the conference; engaged two hours	-	-	-	1	1	-
7 February	Attending to appoint a second conference with Mr. Ker on the draft Bill	-	-	-	6	8	-
	Fee to him and clerk	2	7	-	-	-	-
	Attending the conference; engaged upwards of two hours	-	-	-	1	1	-
8 February	Attending Lord Seymour at the Office of Woods, going through the rough draft of the Bill with his Lordship, clause by clause, and making various alterations, and suggestions for alterations, therein, to be submitted to Mr. Ker and Mr. James in consultation, and as final instructions to revise and settle the draft Bill; engaged two hours	-	-	-	1	1	-
10 February	Making the alterations and suggestions for alterations in red ink in the rough draft and copy Bill previously to submitting them to Mr. Ker and Mr. James	-	-	-	1	1	-
	Making two copies of the Bill as altered, fols. 41 each	-	-	-	4	2	-
	Fee to Mr. Ker to revise the draft Bill in consultation with Mr. James and clerk	5	15	6	-	-	-
	Attending him	-	-	-	13	4	-
	Consultation fee and clerk	5	15	6	-	-	-
	Fee to Mr. James to peruse the draft Bill, and settle the same, in consultation with Mr. Ker and clerk	5	15	6	-	-	-
	Attending him	-	-	-	13	4	-
	Consultation fee and clerk	2	4	6	-	-	-
	Attending counsel severally to get consultation appointed	-	-	-	13	4	-
11 February	Attending Lord Seymour further on the draft of the Bill, when his Lordship suggested that the rights of the Crown to all its freehold inclosures should be saved	-	-	-	13	4	-
	Attending Mr. James in Lincoln's Inn, conferring with him thereon, when he was disposed to think that a special saving clause to that effect would be unnecessary, but took a note of the point to consider in consultation with Mr. Ker on Friday next	-	-	-	13	4	-
14 February	Attending in Lincoln's Inn by appointment in long consultation with Mr. Ker and Mr. James, when the draft of the Bill was finally settled by them	-	-	-	2	2	-
	Attending Mr. Philipps at the Office of Woods, apprising him thereof, and requesting him to inform Lord Seymour thereof, and that we were prepared to go through the draft Bill with his Lordship as finally settled by counsel	-	-	-	13	4	-

1861 :		£. s. d.	£. s. d.
15 February	Making fair copy of the Bill as finally settled by Mr. Ker and Mr. James, fols. 35 - - - - -	-	1 15 -
17 February	Attending several times at the Office of Woods, in order to have gone through the draft of the Bill with Lord Seymour, but we were unable to see his Lordship - - - - -	-	- 6 8
6. 8.			
18 February	Attending at the Office of Woods, going through the Draft Bill with Lord Seymour, which his Lordship fully approved of, and directed us to report it officially to the Board - - - - -	-	1 1 -
	Drawing report to the Board accordingly, fair copy, transmitting, clerk's attendance therewith - - - - -	-	1 1 -
8 March	Attending Mr. Kennedy at the Office of Woods, in conference on the Draft Bill, in which he suggested some alterations to which we saw no objection - - - - -	-	- 13 4
7 April	Attending Mr. Cummins, delivering to him our copy of Lord Glenbervie's Report of 1809 to the Treasury, on the subject of fuel rights, which he required for Mr. Kennedy - - - - -	-	- 6 8
16 April	Perusing and considering letter from the Board, with instructions to report on two Warrants enclosed therein, one under the Queen's sign manual, countersigned by the Lords of the Treasury, directing their Lordships to issue their Warrant to Her Majesty's Remembrancer of the Court of Exchequer, to cause a Commission to be prepared for the inclosure of 4,051 A. O. B. 24 P. of land in New Forest, in place of the like quantity recently thrown open, and the other under the hands of two of the Lords of the Treasury, directed to the Queen's Remembrancer to issue a Commission accordingly - - - - -	-	- 13 4
22 April	Drawing Report pursuant to the Board's instructions, fair copy, and clerk's attendance therewith - - - - -	-	1 1 -
	Attending Lord Seymour and Mr. Kennedy, afterwards conferring thereon, and taking his Lordship's directions for preparation of a clause authorising the Commissioners to grant leases of portions of the waste, and brick kilns or tileries - - - - -	-	- 13 4
15 May	Drawing such clause accordingly, folios 6, and copy - - - - -	-	- 18 -
	Attending Mr. Kennedy at the Office of Woods, reading over with him the draft of the proposed clause, when he approved thereof, but suggested that the Office of Warden being now vacant, the office should be abolished, and all the powers and rules thereof transferred to the Commissioners of Woods, and desired we would see Lord Seymour thereon - - - - -	-	- 13 4
	Attending Lord Seymour and Mr. Philipps at the Office of Woods on his Lordship's urging the preparation of Commission for further inclosures in the New Forest, apprising them that our Report of the 22nd ultimo had not been answered, and his Lordship desired we would see the Queen's Remembrancer, and urge the preparation of the Commission by every means in our power - - - - -	-	- 13 4
	Attending the Queen's Remembrancer, and saw Mr. Brown, his deputy, and leaving both Warrants with him, and conferring on the preparation of the Commission, but he could not find the last precedent to enable him to proceed; but found the last Warrant, and we compared same with present Warrant, and found several discrepancies between them; Mr. Brown said he would search for the draft of the last Commission, and if he could not find it, must request the loan of the Entry Book from the Office of Woods to enable him to proceed - - - - -	-	- 13 4
16 May	Perusing and considering the alterations and amendments desired by Lord Seymour and Mr. Kennedy with regard to the affairs of the Warden, when it appeared to us that the provisions of the intended Woods and Forests Bill would cover the object desired - - - - -	-	- 13 4
	Attending Mr. Kennedy at the Office of Woods, conferring thereon, and explaining same to him, when he concurred in opinion with us - - - - -	-	- 13 4
	Attending at the Queen's Remembrancer's Office to ascertain whether he had perused the draft of the last Commission, and to urge the preparation of the present, when he said he had found the draft as prepared by him and approved by us, that the draft of the new Commission was being prepared, but that he must require some mistakes in the Warrant to be corrected, and he promised us the draft for perusal and return of the Warrant in the course of the day - - - - -	-	- 13 4
	Perusing draft Commission received from Mr. Brown, and comparing same with Warrant returned with it, also Mr. Brown's letter, in which he requested that the latter part of the Treasury Warrant might be corrected previously to the Commission issuing and then sent to him - - - - -	-	- 13 4
	Attending the House of Common's Bill read a first time, and referred to the Examiner to prove compliance with the Standing Orders - - - - -	-	2 2 -
20 May	Writing to Mr. Dorington for an appointment to proceed to prove compliance with the Standing Orders before the Examiner - - - - -	-	- 5 -

1851 :		£.	s.	d.	£.	s.	d.
22 May	-	Attending Mr. Cumberbatch, the Deputy Surveyor of the Forest, calling his attention to the Fifth Report of the Commissioners of Inquiry, page 23, specifying the quantity of timber in the Forest in 1608, 1707, 1764, and 1783, when he thought there was now twice as much timber in the open Forest as there was in 1783, but he said he would consider the question further on his return to the Forest			-	-	- 13 4
	-	Attending at Office of Woods, and received from Mr. Thornborrow the Treasury Warrant for the issue of a Commission for New Inclosures altered since our Report			-	-	- 6 8
	-	Perusing draft Commission			-	-	- 6 8
	-	Writing to Mr. Brown, returning same approved, with Warrant altered, and clerk's attendance			-	-	- 6 8
23 May	-	Attending at the Parliamentary Office for and obtained two prints of the Bill			-	-	- 6 8
27 May	-	Looking up and arranging newspapers, &c., for proof of Standing Orders before the Examiner			-	-	- 6 8
	-	Drawing proofs; two sheets			-	-	1 6 8
	-	Making three fair copies thereof for use			-	-	2 - -
	-	Writing to Mr. Philipps, with the Commission, and clerk's attendance			-	-	- 6 8
	-	Attending Lord Seymour at the Office of Woods, when his Lordship appointed Thursday fortnight for the meeting of the Commissioners under the Commission			-	-	- 13 4
	-	Attending Mr. Philipps, afterwards calling his attention to the non-return of several former Commissions which Mr. Brown had mentioned to us, and he said several of them were in his custody, and that he was anxious to have the returns made to them as soon as he could find them, with our assistance			-	-	- 13 4
28 May	-	Attending the Examiner (Mr. May), when we proved the compliance with the Standing Orders, and he said he would immediately make his Report to the House			-	-	2 2 -
	-	Attending Mr. Dorington, when he stated that the Bill might be made an Order of the day for Second Reading on Monday next, if Lord Seymour so desired			-	-	- 13 4
	-	Attending at the Office of Woods several times to see Lord Seymour and ascertain his pleasure thereon, but could not see him			-	-	- 6 8
	-	Drawing Report to the Board informing them that compliance with the Standing Orders was proved; fair copy thereof, and clerk's attendance therewith			-	-	1 1 -
14. 4.	-	Attending Lord Seymour at the Office of Woods, when his Lordship desired notice of the Second Reading of the Bill to be given for Monday next, which he could have made an Order of the day			-	-	- 13 4
	-	Attending at the House of Commons, and left note for Mr. Jones apprising him thereof, and requesting that he would have the requisite notice in the Private Bill Office accordingly			-	-	- 6 8
2 June	-	Attending Mr. Compton, M.P., and Mr. Philipps at the Office of Woods, when the former urged that the Bill should empower the Crown to issue a Commission to inquire into and adjust the common rights			-	-	- 13 4
	-	Attending Lord Seymour, afterwards apprising him of what had passed at the interview with Mr. Compton, when his Lordship said he should move the Second Reading to-night, and refer the Bill to a Select Committee			-	-	- 13 4
	-	Attending at the House of Commons, when the Bill was read a second time, and committed to a Select Committee, after a division of 82 to 28			-	-	2 2 -
3 June	-	Attending Lord Seymour at the Office of Woods, conferring as to the further progress of this Bill, and the evidence to be procured in support of it before the Select Committee, when his Lordship authorised our instructing Mr. Clutton thereon			-	-	- 13 4
	-	Attending Mr. Clutton accordingly, instructing him thereon			-	-	- 13 4
	-	Writing Mr. Ellicombe, Parliamentary Agent, on the subject of the Bill			-	-	- 5 -
14 June	-	Attending at the Journal Office, bespeaking copy Petition presented against the Bill by the Duke of Buccleuch, and others, against the Bill, and afterwards for same			-	-	- 6 8
	-	Perusing and considering the Petition			-	-	- 6 8
	-	Attending at the Office of Woods requesting to be furnished with a copy of a Memorial presented to the Queen against the removal of the deer, and Mr. Kennedy informed us that the Board had made a Minute authorising us to employ Messrs. Ellicombe as Parliamentary Agents			-	-	- 13 4
20 June	-	Attending Mr. Dorington, conferring as to the proceedings to be taken before the Committee to-day			-	-	- 13 4
	-	Attending Lord Seymour, conferring with him thereon			-	-	- 13 4
	-	Attending the Committee, when appearances were entered for the Petitioners, the Duke of Buccleuch, and others, and leave was given to them to appear by counsel on Wednesday next, to which day the Committee adjourned			-	-	2 2 -
	-	Writing to the Attorney General, requesting his instructions as to the counsel to be employed on behalf of the Crown, and clerk's attendance with the letter			-	-	- 6 8

1851:		£.	s.	d.	£.	s.	d.
20 June	-	Attending Mr. Stead on his informing us of a strong opposition which was getting up in the Forest against the Bill, and on his offering to render any assistance in his power	-	-	-	13	4
	-	Not having received from the Attorney General an answer to our letter relative to the counsel to be employed attending him at the Court of Common Pleas when he instructed us to retain Mr. Alexander, q. c., and Mr. Phinn	-	-	-	13	4
	-	Drawing brief retainer to Mr. Alexander, and copy	-	-	-	5	-
	-	Fee to him and clerk	5	15	6	-	-
	-	Attending him	-	-	-	13	4
	-	Drawing retainer to Mr. Phinn, and copy	-	-	-	5	-
	-	Fee to him and clerk	5	15	6	-	-
	-	Attending him	-	-	-	13	4
21 June	-	Attending at the Queen's Printers for duplicate copies of numerous Forest and Inclosure Acts, to be delivered to counsel in support of the Bill, afterwards attending at Parliamentary Paper Office to procure two copies of the New Forest Commission Report	-	-	-	13	4
	-	Paid for the Acts of Parliament and Report	1	3	7	-	-
	-	Writing to Mr. Cumberbatch requesting to see him on the subject of the evidence	-	-	-	5	-
	-	Attending him, and taking down Minutes of his Evidence	-	-	-	13	4
	-	Instructions for brief	-	-	-	2	2
1. 6. 8.	-	Drawing same, 14 sheets	-	-	-	9	6
1. 6. 8.	-	Two fair copies thereof for counsel	-	-	-	9	6
	-	Two copies of Petitions presented against the Bill for counsel, five sheets each	-	-	-	3	6
	-	Folding and endorsing the several Inclosure Acts, &c., to accompany same	-	-	-	6	8
	-	Fee to Mr. Alexander and with brief, and clerk	22	1	-	-	-
	-	Attending him	-	-	-	13	4
	-	The like to Mr. Phinn and clerk	16	10	-	-	-
	-	Attending him	-	-	-	13	4
	-	Attending at Parliamentary Office for and obtaining 12 copies of the Bill	-	-	-	6	8
	-	Paid for same	-	1	-	-	-
	-	Attending counsel respectively to appoint a time for consultation	-	-	-	13	4
	-	Fee to Mr. Alexander and clerk	5	15	6	-	-
	-	The like to Mr. Phinn and clerk	5	15	6	-	-
	-	Attending the consultation	-	-	-	2	2
	-	Paid for room	-	6	-	-	-
	-	Instructions for counsel to attend the Committee on the 25th instant	-	-	-	13	4
	-	Fee to Mr. Alexander to attend, and clerk	11	-	6	-	-
	-	Attending him	-	-	-	13	4
	-	The like fee to Mr. Phinn and clerk	11	-	6	-	-
	-	Attending him	-	-	-	13	4
25 June	-	Attending counsel respectively to appoint consultation	-	-	-	13	4
	-	Fee to Mr. Alexander and clerk	5	15	6	-	-
	-	The like to Mr. Phinn and clerk	5	15	6	-	-
	-	Attending consultation at Westminster	-	-	-	2	2
	-	Paid for room	-	6	-	-	-
	-	Attending the Committee of the House all day when the Preamble was declared to be proved	-	-	-	5	5
	-	Instructions to counsel to attend the Committee to-morrow	-	-	-	13	4
	-	Fee to Mr. Alexander and clerk	11	-	6	-	-
	-	Attending him	-	-	-	13	4
	-	The like to Mr. Phinn and clerk	11	-	6	-	-
	-	Attending him	-	-	-	13	4
26 June	-	Attending counsel respectively, fixing a time for consultation	-	-	-	13	4
	-	Fee to Mr. Alexander and clerk	5	15	6	-	-
	-	The like to Mr. Phinn and clerk	5	15	6	-	-
	-	Drawing Two Clauses, A. and B., to be added to the Bill, folios four each	-	-	-	16	-
	-	Making eight copies for the Committee	-	-	-	3	4
	-	Writing to Mr. Clutton requesting to see him as to the evidence to be given by him	-	-	-	5	-
	-	Attending Mr. Clutton and Mr. Cumberbatch in long conference on the Evidence to be given to-day by the former before the Committee	-	-	-	13	4
	-	Attending consultation at Westminster, revising the Amendments and Clauses to be inserted	-	-	-	2	2
	-	Attending at Parliamentary Paper Office for Copies of Reports for the Committee	-	-	-	6	8
	-	Paid for Reports	-	2	8	-	-
	-	Paid for room for consultation	-	6	-	-	-
	-	Attending the Committee on the Bill when the Clauses were gone through, several Amendments made, and the Bill ordered to be reported	-	-	-	5	5
	-	Attending Mr. Stead, instructing him in communication with Mr. Cumberbatch, to get up materials and evidence in the country to support the Bill in the Lords, and answer the threatened opposition in that House	-	-	-	13	4
1 July	-	Attending at Parliamentary Paper Office for and obtaining 12 copies of the Bill	-	-	-	6	8
	-	Paid for same	-	1	-	-	-

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1871:		£. s. d.	£. s. d.
3 July	Attending Messrs. Gurney, to obtain a copy of the Evidence given before the Committee, when they informed us that it could only be obtained from the House of Commons at 1 s. per folio - - - - -	- -	- 6 8
	Attending Mr. Coxwell, the Solicitor for the Petitioners against the Bill, on his desiring to have some confidential communication with us, with the view of seeing whether some agreement might not be come to so as to obviate all further opposition. He talked of 4,000 acres as a compensation for the right of Deer, but we told him it was entirely out of the question that the right of soil alone would entitle the Crown to a larger allotment. The question was discussed at great length. Mr. Coxwell said our statements had shaken his former impressions on the subject, and that he would see Mr. Compton with the view of having a meeting fixed with Lord Seymour. Engaged three hours - - - - -	- -	1 11 6
4 July	Attending Lord Seymour, informing him of the expense which would be incurred in procuring copy of the evidence from the Committee clerk, and requesting his Lordship's instructions, when he said he would inquire into the matter - - - - -	- -	- 13 4
5 July	Attending Lord Seymour at the Office of Woods, conferring on a memorandum received by his Lordship from Lord Malmesbury, and advising thereon, and his Lordship said he would write to Lord Malmesbury to know with whom we were to communicate, and we left the original memorandum with Mr. Philipps, that he might have a copy made and sent to us for our guidance in the matter - - - - -	- -	- 13 4
8 July	Attending Mr. Coxwell in long conference on amendments suggested by Lord Malmesbury, the Duke of Buccleuch, and others in this Bill, to constitute a Court to hear and decide on claims of the commoners, when it seemed to us that the Bill as so altered could not pass the Standing Orders of the Lords - - - - -	- -	1 1
	Attending Mr. Coxwell again after he had seen Lord Malmesbury, who told him, Lord Redesdale was of opinion that if the amendments were made, and the opposition withdrawn, there would be no difficulty in getting the Bill proceeded with in the Lords - - - - -	- -	- 13 4
	Attending Lord Seymour, reporting the matter to his Lordship, who authorised us to see Lord Malmesbury and Mr. Coxwell again this afternoon, and endeavour to come to some understanding with them - - - - -	- -	- 13 4
	Attending Lord Malmesbury and Mr. Coxwell in Whitehall Gardens, fully discussing the whole matter, when his Lordship said he would see Lord Seymour to-morrow, with the view of settling quantity clauses, to be inserted thereafter, for constituting local tribunal to hear, investigate, and determine rights of common, the expense to be paid by sale of outlying portions of the Forest Verderers, and a barrister nominated by the Crown to be the Court to determine common rights; extent of each inclosure to be limited so as not to be less than the same quantity to be agreed upon. His Lordship waived any restriction as regarded trees to planted; waived all mention of finality; also waived any restriction as to Crown's rights, other than right of Deer, in respect of which compensation was to be made, and we were to see Lord Seymour as soon after to-morrow as we could do, with the view of getting instructions for our guidance as to clauses - - - - -	- -	2 2 -
	Attending Mr. Phinn, appointing a consultation with him on the proposed clauses - - - - -	- -	- 6 8
	Paid fee to him and clerk - - - - -	5 15 6	-
	Attending him - - - - -	- -	- 13 4
9 July	Attending Lord Seymour at the Office of Woods, when his Lordship said that he had settled with Lord Malmesbury that the Crown allotment should be reduced from 14,000 to 10,000 acres, that the new inclosures should not be less than 800 acres each, and that clauses for settling the rights of common must be prepared and introduced into the Bill - - - - -	- -	1 1 -
7. 8.	Attending long conference with Mr. Phinn at the House of Commons upon the proposed clauses; engaged three hours - - - - -	- -	1 11 6
9 July	Attending Mr. Dorington afterwards, explaining what was intended to him, when he said he would see The Speaker, and let us know whether any, and what, formal resolution would be required to ground such clauses - - - - -	- -	- 13 4
12 July	Attending Mr. Compton and Mr. Castleman, conferring on the amendments proposed, and the principle on which they should be framed, but we objected to prepare the proposed declaratory clause, that 60 years should constitute a title to a right of common, and submitted that it should be prepared by them, and proposed to the Committee by them - - - - -	- -	- 13 4
	Attending Mr. Coxwell, afterwards conferring on preparation of clauses, and proposed meeting at Mr. Phinn's chambers to-morrow, which he assented to - - - - -	- -	- 13 4
	Attending Lord Seymour; reporting what had passed with Mr. Compton, Mr. Castleman, and Mr. Coxwell, and the plan proposed for preparing and settling the clauses, which his Lordship assented to - - - - -	- -	- 13 -

1851:		£.	s.	d.	£.	s.	d.
12 July	Drawing the proposed clauses, fols. 48	-	-	-	4	16	-
	Fair copy for Mr. Phinn	-	-	-	2	8	-
14. 4	Instructions for Mr. Phinn to peruse and settle same	-	-	-	1	1	-
	Making copy; proposals received by Lord Seymour from Malmesbury accompany same; fols. 10	-	-	-	-	10	-
	Attending Mr. Phinn therewith	-	-	-	-	13	4
	Fee to him and clerk	5	15	6	-	-	-
13 July	Attending at Mr. Phinn's chambers to fix a time for consultation	-	-	-	-	13	4
	Consultation fee to him and clerk	5	15	6	-	-	-
	Attending the consultation; engaged a long time upon the clauses, when Mr. Phinn proceeded to settle same forthwith	-	-	-	2	2	-
15 July	Making four copies of the clauses as settled by Mr. Phinn; fols. 42 each	-	-	-	8	8	-
	Instructions to counsel to attend the Committee to-morrow	-	-	-	1	6	8
	Fee to Mr. Alexander and clerk	11	-	6	-	-	-
	Attending him	-	-	-	-	13	4
	The like to Mr. Phinn and clerk	11	-	6	-	-	-
	Attending him	-	-	-	-	13	4
16 July	Attending counsel to appoint a time for consultation	-	-	-	-	13	4
	Consultation fee to Mr. Alexander and clerk	5	15	6	-	-	-
	The like Mr. Phinn and clerk	5	15	6	-	-	-
	Attending the consultation	-	-	-	2	2	-
	Paid for room	-	6	-	-	-	-
	Attending the Committee on the Bill, when several amendments were made in the Bill	-	-	-	5	5	-
	Instructions to counsel to attend the Committee on the 17th	-	-	-	1	6	8
	Fee to Mr. Alexander and clerk	11	-	6	-	-	-
	Attending him	-	-	-	-	13	4
	The like Mr. Phinn and clerk	11	-	6	-	-	-
	Attending him	-	-	-	-	13	4
17 July	Attending counsel to appoint consultation	-	-	-	-	13	4
	Consultation fee to Mr. Alexander and clerk	5	15	6	-	-	-
	The like to Mr. Phinn and clerk	5	15	6	-	-	-
	Attending the consultation	-	-	-	2	2	-
	Paid for room	-	6	-	-	-	-
	Attending the Committee, when several amendments were made by the Committee	-	-	-	5	5	-
	Making four copies of the clauses proposed to be added in the Committee on re-committal of the Bill; fols. 50 each	-	-	-	10	-	-
19 July	Attending Mr. Cumberbatch, going through and correcting the print of the Bill as amended by the Select Committee on Thursday last	-	-	-	-	13	4
	Attending Mr. Kennedy, going through portions of the Bill with him, and making slight amendments	-	-	-	-	13	4
	Attending Lord Seymour with print of the Bill as so amended and corrected, and his Lordship corrected his print therefrom	-	-	-	-	13	4
	Attending the House of Commons when the Bill went through Committee of the whole House, was slightly amended and ordered to be considered, as amended, on Monday next	-	-	-	5	5	-
21 July	Attending the House of Commons when the Bill, as amended, was considered, and ordered to be read a third time to-morrow	-	-	-	2	2	-
22 July	Attending Mr. Palk, at the House of Lords, with print of the Bill for his perusal and consideration of Lord Redesdale	-	-	-	-	13	4
	Attending Mr. Palk afterwards, and also Mr. Adam and Lord Redesdale when the Bill was considered a Private Bill and must be referred to Standing Order Committee; but his Lordship gave us to suppose that if the Bill came up to-night he would take it on Thursday in Standing Order Committee	-	-	-	1	1	-
	Attending the House of Commons when the Bill was read a third time and passed	-	-	-	2	2	-
23 July	Writing to Mr. Jones, pointing out omission to correct Preamble in consideration of Report, and urging that it might be corrected before the Bill left the Commons	-	-	-	-	5	-
	Having received a note from Mr. Dorington stating that the correction must be made in the Lords, attending Lord Seymour, calling his attention thereto, and he said the words were bracketed by him, meaning thereby that they were to be omitted, and that he was under the impression that this would have been sufficient	-	-	-	-	13	4
24 July	Perusing and considering letter of Mr. Stead of this morning, and various suggestions for alterations in the Bill	-	-	-	-	6	8
	Writing to Mr. Stead in reply to his letter	-	-	-	-	5	-
	Attending the House of Lords, when the Bill was brought from the Commons; conferring with Lord Carlisle, Lord Malmesbury, and Lord Bessborough, and endeavouring to make arrangements for the suspension of the Standing Orders or for a speedy reference of the Bill to Lord Redesdale's Committee. Engaged three hours	-	-	-	1	11	6

1851 :		£. s. d.	£. s. d.
25 July	Attending House of Lords when the Standing Orders were suspended and the Bill referred to the Standing Order Committee on Monday next. Attending at the Bar afterwards, being sworn to give evidence before Committee on Standing Orders - - - - -	- -	2 2 -
	Attending at the House of Lords for and obtained 12 copies of the Bill - - - - -	- -	- 6 8
	Drawing statement of proofs, &c., for the Standing Order Committee of the House of Lords, one sheet - - - - -	- -	- 13 4
	Making two copies thereof - - - - -	- -	- 13 4
	Attending Mr. Cumberbatch, going through the Bill with him as printed by the Lords - - - - -	- -	- 13 4
	Attending Standing Order Committee; producing and proving newspapers, gazette, &c., when Lord Redesdale directed a special Report to be made to the House explanatory of the reasons why the Standing Orders could not have been complied with - - - - -	- -	2 2 -
28 July	Attending the House of Lords, when the Report from the Standing Order Committee was brought up, and leave given to proceed with the Bill, and Notice of Motion was given for to-morrow to suspend the Standing Order, that the Bill might be read a second time on Thursday next. Lord Carlisle stated to us that he could not get the second reading made an Order of the day for to-morrow - - - - -	- -	2 2 -
29 July	Attending Mr. Cumberbatch on his desiring to know when he could leave town, which we told him we could not say till after the second reading, which we hoped would be on Thursday next - - - - -	- -	- 6 8
	Attending the House of Lords, Lord Carlisle, Mr. Palk, Mr. Adam, and others, when the Standing Orders were suspended, and the Bill ordered to be read a second time to-morrow - - - - -	- -	2 2 -
	Altering a print of the Bill, showing amendments to be made in Lords Committee, and writing to Messrs. Pritt & Co. therewith as desired by their note of this morning - - - - -	- -	- 13 4
30 July	Attending House of Lords, when the Bill was read a second time, and committed for to-morrow to Lord Redesdale's Committee - - - - -	- -	2 2 -
	Attending Mr. Cumberbatch, going through a print of Bill with him, preparatory to his attending to be sworn as a witness to prove the preamble in Lord Redesdale's Committee - - - - -	- -	- 13 4
	Attending at the House of Lords, self and Mr. Cumberbatch, to be sworn to give evidence on the Bill - - - - -	- -	- 13 4
	Attending the Committee when, after some alterations suggested by Lord Redesdale, which his Lordship, after explanation waived, the Bill, as amended by us, passed through the Committee - - - - -	- -	2 2 -
	Attending the House when the Bill was reported from Lord Redesdale's Committee, as amended, and ordered to be committed to a Committee of the whole House to-morrow - - - - -	- -	2 2 -
1 August	Attending the House of Lords when the House in Committee and Bill ordered to be reported to-morrow; no amendment was made in the Committee of the whole House, but the few amendments made in Lord Redesdale's Committee were entered as the amendments of the House, this clearly proving the inutility of the proceedings in Lord Redesdale's Committee - - - - -	- -	5 5 -
2 August	Attending Mr. Coxwell, explaining to him the present stage of the Bill, and the purport and effect of the slight amendments made in it in the House of Lords - - - - -	- -	- 13 4
	Attending the House of Lords; amendments reported (according to Order), and Bill to be read a third time on Monday next - - - - -	- -	2 2 -
4 August	Attending the House of Lords; Bill read a third time, with the amendments passed and sent to the Commons - - - - -	- -	2 2 -
5 August	Attending the House of Commons; Lords' amendments considered by the Commons, and agreed to - - - - -	- -	2 2 -
	Attending the House of Lords on the Royal Assent being given - - - - -	- -	2 2 -
19 August	Attending Mr. Philipps and Mr. Thornborrow at the Office of Woods in long conference, perusing entries of Commissioners to set out inclosures of returns thereto, and certificates of quantities, and advising form of oath to be made by the land surveyor who measures and maps the inclosures - - - - -	- -	- 13 4

1851 :		£. s. d.	£. s. d.
21 August -	Attending Lord Seymour at the Office of Woods, taking his Lordship's directions to prepare notice for sending in claims - - - - - }	- -	- 13 4
	Drawing notice accordingly, folios 7, and transcribing same with notes for Lord Seymour's perusal - - - - - }	- -	1 1 -
	Attending Mr. Philipps at the Office of Woods therewith, and suggesting that if Lord Seymour approved of it, it should be sent to the verderers for their perusal also - - - - - }	- -	- 6 8
	Attending Lord Seymour at the Office of Woods, taking instructions to have sign manual warrant prepared in this matter - - - - - }	- -	- 13 4
	Drawing substance of the warrant for the removal of the deer - - - - -	- -	- 6 8
	Attending Mr. Philipps and Mr. Thornborrow at the Office of Woods thereon, when they said entries of previous warrants should be looked up for our perusal to-morrow - - - - - }	- -	- 13 4
22 August -	Attending Mr. Philipps to-day and yesterday at his request, to assist him in making out and completing several reports to Commissioners for setting out inclosures in New Forest, to which he had acted as secretary, but various matters prevented him going fully into the subject, and the appointment was again postponed till to-morrow, at 11 o'clock - - - - - }	- -	- 13 4
23 August -	Attending Mr. Philipps and Mr. Thornborrow at the Office of Woods, discussing and arranging the information and documents wanted to make returns to the Commissioners for inclosures in New Forest, issued from the Exchequer since 1830, inclusive, examining plans and declarations, and suggesting the amendments and alterations and new plans necessary to be made to enable returns to be made to the several Commissioners; engaged two hours - - - - - }	- -	1 1 -
27 August -	Drawing warrant for the removal of the deer, fols. 14 - - - - -	- -	- 18 8
	Making fair copy thereof - - - - -	- -	- 4 8
	Attending at the Office of Woods therewith, and left same with Mr. Philipps for Lord Seymour's perusal - - - - - }	- -	- 6 8
19 September	Attending Mr. Philipps and Mr. Thornborrow; engaged two hours examining drafts of proposed return, and advising forms of returns and declarations in verification of plans and quantities - - - - - }	- -	1 1 -
25 September	Mr. Philipps having last night showed us the notice inserted in the "Gazette," with the day for the receipt of claims by the verderers altered from the draft as transmitted by us to Lord Seymour. Attending at the Office of Woods, calling Mr. Philipps's attention to the Act, which requires the notice to be inserted in two country papers also, and expressing a hope that this had been attended to; he said he doubted whether it had, and we strongly urged the notices being immediately sent for insertion in the newspapers; he directed Mr. Thornborrow to this being done - - - - - }	- -	- 13 4
	Session fee - - - - -	- -	26 5 -
			272 2 2
	Disbursements - - - - -	- - -	251 11 8
		£.	523 13 5

Appendix, No. 3.

Appendix, No. 3.

PAPER handed in by Mr. *Howard*, 28 May 1875.

NEW FOREST.

INCOME and EXPENDITURE since 1805.

		Gross Income.	Expenditure.	Net Income or Deficiency.
		£. s. d.	£. s. d.	£. s. d.
5 years ended 31st December 1809	- -	60,911 13 11	29,585 19 6	31,325 14 5
" " " 1814	- -	68,469 16 9	65,804 6 2	2,665 10 7
" " " 1819	- -	76,241 10 5	55,246 19 6	20,994 11 -
" " " 1824	- -	79,467 2 2	44,643 18 2	34,823 4 -
" " " 1829	- -	55,391 18 2	44,099 6 7	11,292 11 7
5½ years ended 31st March 1835	- -	55,637 17 11	46,030 12 -	9,607 5 11
5 years " " 1840	- -	49,107 16 2	45,432 - 7	3,675 15 7
" " " 1845	- -	43,024 17 1	50,204 17 3	7,180 - 2
" " " 1850	- -	52,653 17 8	57,568 4 11	4,909 7 3
" " " 1855	- -	85,953 12 4	62,684 14 6	23,268 17 10
" " " 1860	- -	105,225 17 10	65,187 4 2	40,038 13 8
" " " 1865	- -	88,385 13 11	64,101 1 3	24,284 12 8
" " " 1870	- -	75,764 7 4	61,601 5 3	14,163 2 1
" " " 1875	- -	56,870 19 6	46,286 15 2	10,584 4 4
TOTAL	- - - £.	953,107 1 2	738,472 4 11	214,634 16 3
Annual Average of 70 Years	- - £.	13,615 16 3	10,549 12 -	3,066 4 3

Appendix, No. 4.

PAPER handed in by Mr. *Esdaile*, 8 June 1875.

Appendix, No. 4.

ACCOUNT of PLANTING under Act Will. III.

The exact Account of Planting under Will. III.'s Act is this:

A. D.	Acres.	
1698 - - - - -	1,022	} Rep. 1849. Mr. Milne. Q. 150, 151, 177.
1751 - - - - -	234	
1775 - - - - -	2,000	
1808-16 - - - - -	4,900	
1829 - - - - -	1,100	
1842 - - - - -	394	
1847 - - - - -	500	} Lord Nelson's Return, 1866, p. 2.
	10,150	
1851 to 1862 - - -	4,222	
Total enclosed - - -	14,372	Acres.

What has been Flung out, as follows:

A. D.	Acres.	
1775 - - - - -	836	} Rep. 1849. Q. 152, 174, 177. Mr. Milne.
1808 - - - - -	1,022	
1808 - - - - -	234	
1829 - - - - -	1,100	
1842 - - - - -	394	
1847 - - - - -	500	
	4,086	} Return to Mr. B. Carter, 1867.
1851 - - - - -	1,832	
Total flung open - - -	5,918	Acres.

Acres.
 14,372 Total enclosed.
 5,918 Total flung open.
 8,454 At this moment inclosed.

MR. B. CARTER'S RETURN.

Acres.
 7,717 Flung open under this Act.
 1,832 Since Deer Removal Act.
 5,885 Acres flung open previous to Deer Removal Act.

Being only a difference of 88 acres between Mr. Milne's Account and this.

Appendix, No. 5.

PAPERS handed in by Mr. *Cowper-Temple*.

Appendix, No. 5.

RE THE NEW FOREST INCLOSURE ACTS.

CASE AND OPINION.

CASE.

YOUR opinion was lately taken upon a number of points relative to the position of the Crown and of the commoners in the New Forest, and to the powers of inclosure from the waste lands of the forest under different Acts authorising such inclosures.

You are now requested to advise the commoners upon the construction of two or three sections of those Acts which prescribe the quantity of land which the Crown shall have power to inclose for planting.

By Sections 1, 9 and 10, Will. 3, c. 36, His Majesty is empowered, for the purpose of growing timber for the Navy, to inclose and keep in severalty 2,000 acres of the wastes in the manner mentioned in the Act, and also 200 acres every year for 20 years in the same way and for the same purpose.

By Section 3 it is enacted, "That at all times thereafter when certain authorities there mentioned" shall be satisfied and shall "determine that the woods and trees which shall be growing on the said 2,000 acres or any part thereof within the inclosures which shall afterwards be made as aforesaid are become past danger of browsing of deer, cattle, or other prejudice, and shall think fit to lay the same or any part thereof open and in common, and shall cause the same to be done, that then and so often it shall and may be lawful to and for His Majesty from time to time to inclose out of the said forest in lieu of so much as shall be so laid open of the said 2,000 acres or of the said number of acres authorised to be inclosed as aforesaid, the like quantity out of any other part of the residue of the said wastes to be set out and made," * * * "and to be holden, inclosed, freed and discharged of and from all manner of common herbage and pannage, or other rights, for so long time as the same shall remain and continue inclosed according to the direction, purport and intent of this present Act, to be a nursery for timber as aforesaid, instead of so much as shall be laid open as aforesaid."

By 48 Geo. 3, c. 72, s. 2, certain inclosures under the former Act as to which the provisions of the Act had not been strictly observed, were declared legal, and the power to inclose the quantity of acres mentioned in the Act of William III. which had lapsed, owing to the inclosure not having been made within the time specified by that Act, was revived.

By Section 3 it is enacted that, "It shall be lawful for His Majesty from time to time to inclose, sever, and improve within and out of the waste lands of the said Forest of Dean and New Forest respectively, in whole or in part, such quantities of lands in the whole as shall, together with the quantity already in inclosure, or which shall be inclosed as aforesaid in the said forests respectively, make up the said quantities of six thousand acres in the New Forest, and so that there shall not be more than six thousand acres in the New Forest inclosed and held in severalty as aforesaid at one and the same time;" * * * "and the said inclosures so made and set out as aforesaid shall remain in severalty in the actual possession of the Crown freed from all rights of common during the period of the same remaining inclosed for the growth and preservation of timber, and until the same or any part thereof shall be laid open under the provisions of the said recited Acts and this Act."

By Section 4 it is enacted, "That at all times hereafter whenever certain authorities shall be satisfied, and shall determine that the woods and trees which shall be growing within any of the said inclosures, whether made before the passing of this Act, and hereby confirmed, or to be made under and by virtue of this Act, are become past danger of browsing of deer, cattle, or other prejudice, and shall think fit to lay the same, or any part thereof, open and in common, and shall cause the same so to be done, then and so often it shall be lawful for Her Majesty from time to time to inclose, in lieu of so much of the inclosures in in either forest as shall be so laid open, the like quantity out of any other part of the residue of the wastes of the same forest freed from all manner of common for so long a time as the same shall continue inclosed according to the intent of the said recited Acts, or this Act, and be a nursery or nurseries for timber as aforesaid, instead of so much as shall be laid open according to the direction aforesaid."

The last-mentioned Act embraces the Forest of Dean as well as the New Forest. The Act

9 & 10 Will. 3,
c. 36.

Act originally making inclosures in the Forest of Dean legal, is 20 Ch. 2, c. 3, by which the Crown is empowered to inclose 11,000 acres (out of a total acreage of 23,000 acres), and to fling open the same, and take a like quantity in, in lieu of what was flung open; and it may be useful to refer to this Act as being made for exactly similar purposes as the Act of William III. relative to the New Forest.

By the Deer Removal Act, 14 & 15 Vict. c. 76, s. 354, it is enacted, "That it shall be lawful for Her Majesty, her heirs, and successors, from time to time, to inclose, sever, and improve, and plant with trees of any kind within and about of the waste lands of the said forest, in whole or in part, any quantity of land not exceeding ten thousand acres in the whole, in addition to the six thousand acres already in inclosure, or which shall be inclosed as aforesaid, in the said forest under or by virtue of the Acts of Parliament in that behalf hereinbefore mentioned, and so that there shall not be more than sixteen thousand acres (inclusively of the said six thousand acres in the said forest) inclosed and held in severalty as aforesaid at one and the same time, and (s. 4) that the said inclosures so made shall remain in severalty in the actual possession of the Crown freed from all rights of common whatever during the period of the same remaining so inclosed for the growth of timber and trees, and until the same or any part thereof shall be laid open under provisions hereinafter contained."

By Section 5 it is enacted "That at all times hereafter whenever certain authorities shall be satisfied and shall determine that the wood and trees which shall be growing within any of the said inclosures made or to be made under and by virtue of the said recited Acts or this Act, or any of them, are become past danger of browsing of cattle or other prejudice, and shall think fit to lay the same or any part thereof open and in common, that then and so often it shall be lawful for Her Majesty from time to time to inclose and plant with trees in lieu of so much of the inclosure as shall be so laid open, the like quantity out of any other part of the residue of the wastes of the said forest to be holden inclosed, freed from all manner of common, for so long a time as the same shall continue inclosed according to the intent of this Act to be a nursery or nurseries for timber and other trees as aforesaid, instead of so much as shall be laid open according to the direction aforesaid."

The Deer Removal Act recites in the Preamble both the Act of William III. and that of 48 Geo. 3., which are quoted above.

Your opinion is requested as to the extent of land which these Acts authorise the Crown to inclose from the wastes of the New Forest so as to exhaust their entire power. The Crown has put forward a claim to inclose and plant and fling open to common *ad infinitum* with the sole limit that no more than 16,000 acres shall be held inclosed at the same time by virtue of the above recited Acts, and the Crown has, as a matter of fact, inclosed more than 12,000 acres in the whole under the Act of William III. The commoners, however, conceive that any such claim is beyond the meaning of those Acts, and that all that the Crown can claim under their provisions is to inclose lands up to the extent of 16,000 acres as a first inclosure, and to keep that quantity of land inclosed as long as may be thought fit; and that if the Crown chooses to fling open the whole or any part of such inclosure of 16,000 acres, it may take in a second inclosure from the wastes of similar extent to what is flung open from the first inclosure, and that there the power of inclosure ceases, the provisions of the Acts not extending further than a second inclosure after the flinging open of the first; in other words, that the Crown, under no circumstances, can inclose more than 32,000 acres in the whole, of which 16,000 acres must be flung open before the other 16,000 acres are inclosed.

In all probability a Parliamentary Committee will be appointed this Session to inquire into the operation of the Deer Removal Act and of the other Acts under which inclosures by the Crown are made legal; it becomes therefore highly important to the commoners to understand without doubt what powers are given to the Crown by those Acts; you will therefore be pleased to advise them,—

1. What extent of lands from the wastes of the New Forest the Crown had authority to inclose under the Act of William III.? Whether the power of flinging open to common, and inclosing, in lieu of lands flung open, could be exercised to an unlimited extent, or whether the Act authorises two inclosures only of 6,000 acres each?

2. Whether the Act of 48 Geo. 3 in any way amplifies the powers of the Crown to inclose, as to area, and if so, to what extent?

3. Whether the Deer Removal Act in any way amplifies the powers of the Crown to inclose further than to add 10,000 more acres to the 6,000 acres subjected to inclosure by the former Acts?

4. Can the Crown, under the provisions of the three Acts referred to, or any of them, inclose more than 32,000 acres in the whole from the wastes of the forest?

5. You are requested to give the commoners such general advice upon their position in relation to the provisions of the above-mentioned Acts as may be useful for their guidance in the event of the suggested difference actually arising between the Crown and the commoners upon the interpretation of these Acts.

OPINION.

1. I am of opinion that the power of the Crown under the Act of William III. to lay open inclosures, and to inclose other lands in lieu of the inclosures so laid open, could not

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Appendix, No. 5. be exercised to an unlimited extent, but was limited to 12,000 acres in the whole, and that as soon as 12,000 acres shall have been once inclosed, the power of the Crown under that Act to inclose ceases.

2. I am of opinion that the Act 48 Geo. 3, does not in any way amplify the powers of the Crown to inclose as to area.

3. I am of opinion that the Deer Removal Act does not in any way amplify the powers of the Crown to inclose, farther than to add 10,000 more acres to the 6,000 acres subjected to inclosure by the former Acts, with a similar limited power of laying open the 10,000 acres and inclosing other 10,000 acres in lieu thereof.

4. I am of opinion that the Crown cannot, under the provisions of the three Acts referred to, or any of them, inclose more than 32,000 acres in the whole from the wastes of the forest.

5. I think it is premature to offer an opinion on this point at present. The Crown has not exceeded its powers under the Acts of William III. and George III. (p. 4 of Report), and it may justify any future inclosures, to the extent of 16,000 acres on the whole, under the Deer Revival Act, and the suggested difference cannot arise until after 32,000 acres on the whole have been inclosed; and as more than 16,000 cannot be held in inclosure at one time, and it will be necessary for the Crown to await the maturity of the trees in such inclosures before it can proceed with further inclosures, it must necessarily be many years before the question can be raised.

Temple, 25 May 1868.

T. K. Kingdon.

Appendix, No. 6.

PAPERS handed in by Mr. G. E. Briscoe Eyre, 25 June 1875.

Mr. G. B. Corbin, to Mr. G. E. Briscoe Eyre.

Appendix, No. 6.

Dear Sir,

Ringwood, 2 June 1875.

I DULY received your favour, and in reply beg to say that I shall be glad to contribute my mite to the entomological worth of the New Forest, as far as my time and abilities allow. I am only a working man, and consequently have not so much time at my disposal as I could wish, and my scribbling abilities are not very extensive, yet if there is a subject nearer than another to my heart, it is the natural beauties and productions of the New Forest. I formerly contributed to a MS. journal on Natural History, and scribbled one or two articles upon the natural productions of the forest; and somewhat more recently I have revised a portion of the same, and sent it to my friend Mr. Newman for insertion in the "Zoölogist," but I am uncertain whether he will deem it worth insertion. The entomological portion, unrevised, is still in my hands, of which I will make a copy and send to you, if you think it will answer your purpose. The paper in question contains a list (systematic) of the *Macro-Lepidoptera* of the locality, with brief remarks upon the various species.

Please let me know soon if the scanty assistance I offer will be of use to you, as I am away from home a great deal, but any assistance I can render I shall be most happy to give. I am glad the public are wise enough to set their faces against any further inclosure of the lovely, grand old forest.

Wishing you every success,

I am, &c.

(signed) George B. Corbin.

G. E. Briscoe Eyre, Esq.

The Curator of the Brighton Free Library and Museum to Messrs. Horne & Hunter.

Brighton Free Library and Museum,
Royal Pavilion, 23 June 1875.

Gentlemen,

It is with feelings of very great regret I hear of a proposal to dis-forest the New Forest in Hampshire, the only, as far as I can find, hardwood forest remaining in Europe.

The destruction of such a forest, apart from the historical interest attaching to it, would be fraught with great mischief, as far as the study of natural history is concerned, for with the subversion of the present state of things, the habitats of animals found only in the New Forest would naturally follow.

Certain birds and mammals alone remain, as types of their families, in the New Forest, while whole families of invertebrates are almost, if not entirely, confined to the New Forest.

While recent legislation has tended to the preservation of the fauna of Great Britain, the inclosures and dis-foresting of the New Forest would have the very opposite tendency.

In addition to the fauna peculiar to the New Forest, it has a flora of its own, interesting to the botanists who visit it to obtain or see growing specimens no longer to be found in districts where a similar proceeding has caused their extermination.

During a period of 22 years as Secretary of the Brighton and Sussex Natural History Society, I have become acquainted with the fact that many of its members have visited the New Forest specially to study both its fauna and flora, and I may incidentally mention that had I been aware in time that a petition against the inclosure of the New Forest was being circulated for signature, I could have obtained the signatures of some hundreds of naturalists in Brighton, and the county of Sussex, against such an act of vandalism.

I have, &c.

(signed) T. W. Wonfor, Curator.

Messrs. Horne and Hunter.

Appendix, No. 6.

Mr. H. Goss to Messrs. Horne & Hunter.

NEW FOREST.

8, Goldsmid Road, Brighton,
23 June 1875.

Dear Sirs,

REFERRING to the proposed inclosure of the New Forest, I beg to suggest that you should call the attention of the Select Committee to the great importance of that district to all naturalists.

The New Forest is the habitat of many rare and local birds, insects, and plants, and their total extermination would be the result of the inclosure of the forest and the destruction of the timber.

The fauna and flora of the New Forest are more varied and more interesting than the fauna and flora of any other district in the United Kingdom, and the New Forest is on this account more resorted to by naturalists than any other place in this country.

I have been in the habit of visiting the New Forest every year (except 1865 and 1867), for the last 14 years (for the purpose of collecting the *Lepidoptera* of the district, and observing their habits), and during my rambles, I have met numbers of botanists, entomologists, and other naturalists from all parts of the United Kingdom.

The destruction of the forest will deprive hundreds of people of a resort for innocent and healthy recreation, and will be a lasting disgrace to this country in the opinion of all naturalists, artists, and people of any taste and culture.

Had a petition for signature by naturalists been thought of earlier than Friday last, and sent round to the various scientific societies and other bodies interested in natural history, I have no hesitation in saying that many thousands of signatures would have been obtained.

Messrs. Horne & Hunter,
6, Lincoln's-Inn Fields.

I am, &c.
(signed) H. Goss.

Mr. Bowdler Sharpe to Messrs. Horne & Hunter.

NEW FOREST.

Gentlemen,

24 June 1875.

I REGRET that I have but just heard of the attempt which is being made to prevent the further inclosure of New Forest. I am perfectly certain that English naturalists would have joined heartily in opposing the proposed inclosure on scientific grounds alone.

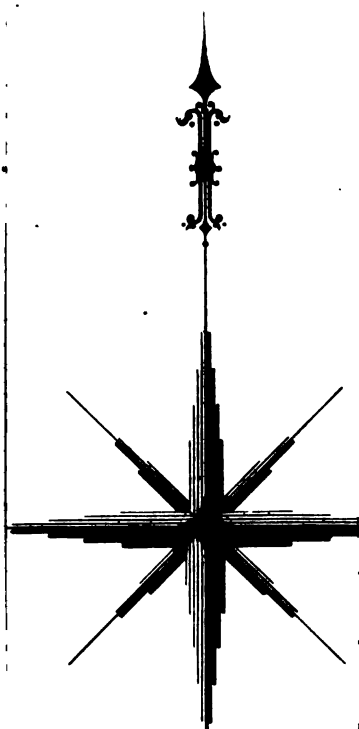
New Forest is the only place where certain species of animals can be found, and it would be lamentable if, for the sake of procuring a few hundred pounds, one of the most productive localities for scientific investigation should be obliterated.

As you are doubtless aware, the New Forest is the only place in England where the Honey Buzzard breeds, and it is also the home of many of the rarer British birds. But it is still more important that all the haunts of our native species should be protected, inasmuch as it is only recently that ornithologists have recognised one fact, that our British birds are more or less distinct from those inhabiting the continent of Europe. Not only do they differ in colouration of plumage, but, in some instances, the habits of some of the common species are different. Considering, therefore, the increasing number of naturalists and the enormous amount of work to be done before we can arrive at any adequate idea of the British fauna, it surely seems a pity to do away with the most favourable place for prosecuting inquiry.

I regret that time has not permitted me to present myself before the Select Committee, when I should have been pleased to enter at greater length into my views on the advantages offered by the New Forest for prosecuting inquiries in ornithology.

I am, &c.
(signed) R. Bowdler Sharpe, F.L.S., F.Z.S.,
Zoological Department, British Museum,
Member of the British Ornithologists' Union,
&c. &c.

Messrs. Horne & Hunter.



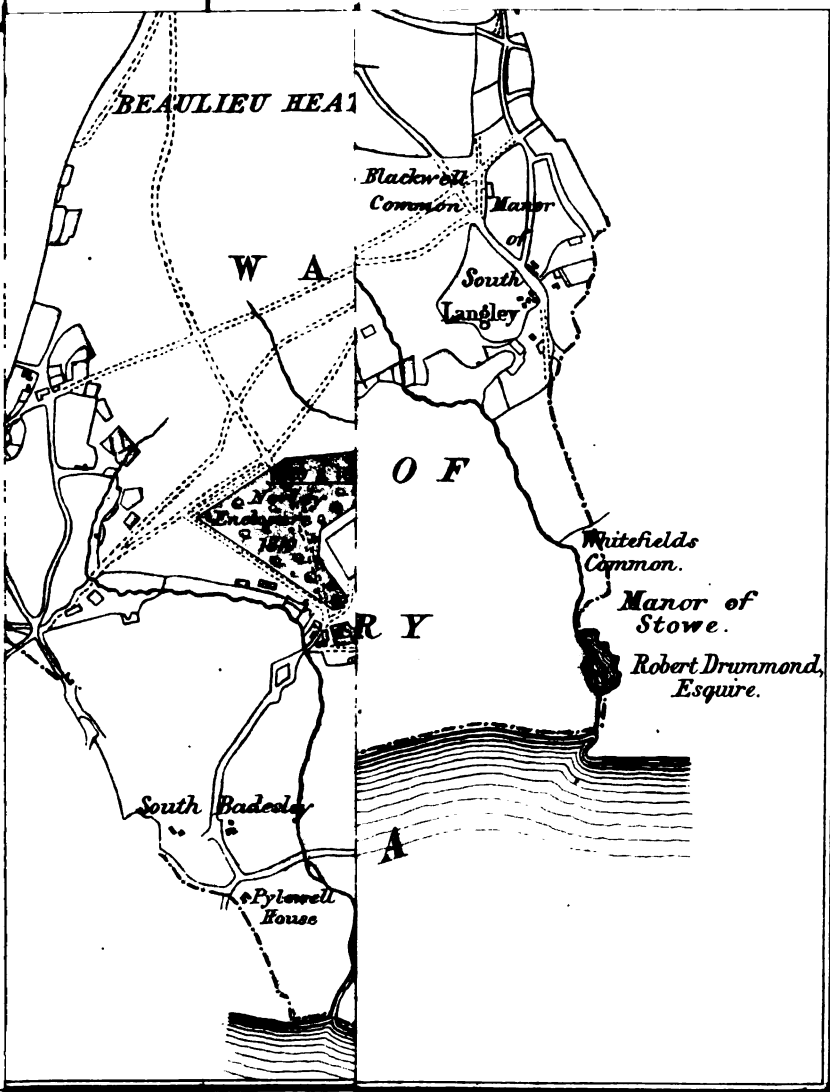
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IVER, 1789.



Appendix, No. 8.

PETITION of Persons entitled to exercise Rights of Common and other Rights and Interests in and on the New Forest, in the County of Southampton. Appendix, No. 8.

NEW FOREST.

To the Honourable the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled.

The humble Petition of the undersigned persons entitled to exercise rights of common and other rights and interests in and on the New Forest, in the County of Southampton,

Sheweth, as follows:—

1. That your petitioners have been informed that a notice of a motion to be made in your Honourable House has been given that a Committee of your Honourable House should be appointed to inquire into the present condition of the New Forest; into the operation of the Deer Removal Act, 1851, and particularly into the exercise and effect of the powers of inclosure given by that Act to Her Majesty's Commissioners of Woods and Forests.

2. That the common rights in and over the New Forest are as valid, as better defined, and more ancient than the exercise of forestal rights in that forest, and that your petitioners, the bulk of whom are small freeholders to whom the exercise of the rights of common is of vital importance, are deeply interested in the maintenance of such common rights appertaining to the lands and houses so occupied by them.

3. That the circumstances connected with the passing of the said Deer Removal Act, 1851, are such that, in justice to your petitioners, the provisions of that Act should be reviewed. Because, first, when the said Act was passed no official inquiry had been made as to the extent and value of the common rights over the forest, notwithstanding the recommendations of a Parliamentary Committee, and a Royal Commission, that such inquiry ought to be made, and thus that Parliament had to deal with a Bill in ignorance of the subject on which it was intended to operate, and secondly, that such Act was passed in great measure unknown in its details to your petitioners.

4. That during the progress of the said Act through Parliament evidence was given to a Committee of your honourable House by the solicitor to Her Majesty's Office of Woods and Forests that the effect of its provisions would be to put an end to the imposition of all forest laws connected with the maintenance of the deer in the forest; but that Her Majesty's Commissioners of Woods and Forests have since the passing of the Act claimed to exercise even the most obsolete forest laws which had for their sole object the protection of the deer, for the removal of which from the forest the Crown had received more than ample compensation.

5. That subsequently to the passing of the Act, common rights in and over the New Forest were maintained before a Judicial Commission, after objection and opposition on the part of Her Majesty's Commissioners of Woods and Forests, in respect of more than 65,000 acres of land, and 1,500 houses in the possession of the commoners.

6. That the carrying out of the provisions of this Act proves it to be grievously injurious to the fair interests of the commoners.

7. That the system of making inclosures from the open lands for plantations in enormous contiguous blocks containing thousands of acres has acted, and continues to act, injuriously to the commoners' rights and the interests of the public, especially as to the latter in respect of their privilege of free passage over the open forest and of the free use of public highways which have been intersected by such contiguous inclosures, and across which locked gates have been placed.

8. That whereas the power of making any inclosures of the open lands of the forest at all is conferred by Statutes which distinctly limit such inclosures to those portions of the forest only as "can best be spared from the commons and highways," this limit has already been reached, inasmuch as no more land can be "spared" for inclosure if due regard be paid to the commoners' right of pasture.

9. That although these Statutes provide for flinging open for pasture and pannage the lands so inclosed for planting when the trees are past risk of injury by the cattle of the commoners,

Appendix, No. 8.

commoners, yet such provision is illusive, inasmuch as the plantations are to all intents permanent woodlands after the inclosures are thus flung open, and are almost valueless for pasture, and entirely valueless to the commoners as regards their right of turbary.

10. That your petitioners believe that if the provisions of the Deer Removal Act, and other Statutes giving power to make inclosures from the open forest are carried out according to the interpretation put upon those Statutes by Her Majesty's Commissioners of Woods and Forests, the operation of those Statutes will effect the extinction of the commoners' rights without compensation.

11. That from statements made since the passing of the Deer Removal Act by the officer in charge of the New Forest, your petitioners find that the declared object of that officer in using the powers of that Act for inclosure is, that all the best pasture should be taken from the commoners and the value of their rights diminished, and that in pursuance of such policy the right of pasture has been unfairly dealt with by the selection of too great a proportion of the best land in the forest for plantations, whereas your petitioners believe that the intention of the Legislature in passing the Deer Removal Act was to provide for the definition and protection of the common rights as well as for the due maintenance of timber.

12. That by the reduction of beech timber the fuel rights of the commoners are prejudiced, and that good reason can be shown why no more of the ancient woods should be destroyed, both as regards the interests and privileges of the public in the forests, as well the said fuel rights and rights of pannage.

13. That from 1851 to 1871 vast tracts of open forest lands were inclosed by Her Majesty's Commissioners of Woods and Forests, and other tracts of such lands proposed to be inclosed, and that from time to time the commoners have protested against some of such land being taken for plantations as highly detrimental to their legal interests in the forest, both by addressing memorials to the Commission for selecting sites for inclosure and by petitions to both Houses of Parliament.

14. That in the Session of Parliament of 1871 a Bill was brought into your honourable House by the then Secretary of the Treasury for disafforesting the New Forest, and that your petitioners were put to great expense in preparing to meet such Bill before a Committee of your honourable House in order to maintain their just rights, which certain provisions of the said Bill most seriously threatened, not that such Bill was withdrawn without any fault of your petitioners.

15. That in the same Session, after the withdrawal of the said Bill, your honourable House resolved, "That in the opinion of this House no felling of timber in the New Forest should take place, except for the purpose of thinning the young plantations, and no fresh inclosures should be made pending legislation on the New Forest," but that no attempt at legislation on the subject has since been made by Her Majesty's Office of Woods and Forests.

16. That there is reason to believe that Her Majesty's Commissioners of Woods and Forests will again commence the work of felling ancient timber and inclosing open spaces from the forest, inasmuch as since the adoption of the said resolution by your honourable House Parliament has been dissolved and a fresh House of Commons elected, and your petitioners are led to believe that such resolution cannot be held to continue in force.

17. That certain limited powers of sale and exchange of the open lands of the forest have been conferred by various Statutes passed during the present century before 1851, and that such powers have been from time to time exercised by her Majesty's Commissioners of Woods and Forests, and large sums of money received by them on account of such sales, but that as to a portion of such sums so received the commoners have received no share of the benefit to which they were equitably entitled.

Your petitioners therefore pray your honourable House will be pleased to adopt such measures as they may deem requisite for the equitable adjustment of such provisions of the Deer Removal and other Acts as injuriously affect the exercise of the common rights of your petitioners and the privileges of the public, and for the better preservation and maintenance of the open spaces and highways, and ancient and ornamental timber of the New Forest, which your petitioners humbly represent can be effectually carried out without prejudice to the just rights of the Crown.

(signed) *George Edward Eyre*
[and 894 other Signatures].

Appendix, No. 9.

PETITION of Inhabitants of the Town and County of the Town of Southampton and its immediate Vicinity. Appendix, No. 9.

To the Honourable the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled.

The humble Petition of the undersigned inhabitants of the town and county of the town of Southampton and its immediate vicinity,

Sheweth,

1. That your petitioners have been informed that the Commissioner in charge of the New Forest has lately advised its inclosure.

2. That your petitioners are aware that already many thousands of acres of the open forest have been inclosed and converted into large plantations, whereby all chance of any improvement of such land has been put an end to, and the public are deprived of the free passage from one part of the forest to another, and of the enjoyment of the open land in the forest, which still afford some of the most beautiful scenery in England, and whereby also, as your petitioners believe, local rights have been very prejudicially and inequitably affected.

3. That much ancient and ornamental timber has been felled of little value when cut for the mere purpose of making new plantations to the destruction of unique forest landscape, and to the great prejudice of the forest as a whole.

4. That the New Forest is one of the very few and the largest of the open spaces now remaining in England over which the inhabitants of this and other adjacent towns and villages have from time immemorial enjoyed the privilege of free access for purposes of recreation without the apprehension of being warned off as trespassers.

5. That year by year the open spaces in England are becoming less, so much so that your petitioners have seen that the Secretary of War has lately declared that one of the difficulties connected with the exercise of troops is the want of open space.

6. That your petitioners are residents of the town of Southampton and its immediate vicinity, comprising a population of about 60,000 inhabitants, and within seven miles of the New Forest, which has ever been the resort of its people, as well of the inhabitants of Romsey, Ringwood, Lymington, and other places, and particularly during the summer months, for purposes of health and recreation, being easy of access by rail or road.

7. That the very large inclosures recently made have already much curtailed the space over which your petitioners and their ancestors previously enjoyed the privilege of access for holiday amusements and parties, &c., and that any further inclosure of the forest would seriously affect the only open space (beyond their own common of limited extent), to which they can resort on holidays and other festive occasions, for innocent amusement and recreation, and the enjoyment of pure country air.

Your petitioners therefore humbly pray that your honourable House will be pleased not to sanction any Bill or scheme for the further inclosure of the open lands of the New Forest, or for the destruction of the old woods and trees thereof.

And your petitioners will ever pray, &c.

J. M. Passenger
[and 1,277 other Signatures].

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A.

ACT 9 & 10 WILL. 3, c. 36 (1698):

Provisions in the Act of William the Third for the increase and preservation of timber in the New Forest; right of the Crown under this Act to inclose and plant 6,000 acres, and to keep deer in the forest, *Watson* 20–22. 26–31—Particulars in connection with the passing of the Act; considerable discussion during the progress of the Bill, *ib.* 25, 26—Restriction under the Act as to the Crown granting any rights in respect of user, &c., *ib.* 25. 47.

Argument that the power of inclosure and planting under the Act of 1698 was a rolling power, to be exercised *toties quoties*, *Watson* 27–31. 168–171.

Conclusion as to the Act of William the Third being for all practical purposes the root of the modern title to the forest; provision in the Act as to the forest being preserved in the Crown for public use, *Jenkinson* 1410. 1503–1506—Circumstance of the Act having taken away rights from the commoners without compensation, *ib.* 1434. 1447. 1514–1519.

Reference to the power of planting under the Act of William the Third as a power to be exercised only for national purposes, *Esdaile* 1651—Lapse of twenty-two years before the total of 6,000 acres could be inclosed under the Act of 1698; alteration in this respect by an Act in 1810 or 1812, *ib.* 1695–1697.

Extracts from the Journals of the House of Commons and House of Lords in 1697–98, showing the proceedings in both Houses relative to the Bill of 1697; also the petitions against the Bill, and the amendments introduced, *App.* 257–261.

See also Inclosures and Plantations.

Act 39 & 40 Geo. 3, c. 86 (1799). Comment upon the power taken by the Crown in an Act of 1799 to grow hay in the forest for the deer in winter, *Esdaile* 1673.

Act 48 Geo. 3, c. 72 (1808). Direction in this Act that the full quantity of 6,000 acres, as under the Act of William the Third, be inclosed and planted, and that when such 6,000 acres are thrown out, another 6,000 acres be inclosed, *Watson* 29–31.

ACT 14 & 15 VICT. c. 76 (DEER REMOVAL ACT):

1. *Origin of the Bill of 1851.*
2. *Negotiations and Amendments during the progress of the Bill; how far the Commoners were represented.*
3. *Reduction in the Area to be inclosed as Compensation for the Removal of the Deer.*
4. *Question as to the Act having been a Compact between the Commoners and the Crown.*
5. *Conclusions as to the Necessity of an Amendment of the Act.*

1. *Origin of the Bill of 1851:*

Recommendation in the Report of the Commissioners of 1849 for the removal of the deer from the forest; hence the Bill and Act of 1851, *Watson* 43—Sundry recommendations in a draft Report in 1849, the Bill of 1851 having been partly founded there upon, *Esdaile* 1690, 1691.

ACT 14 & 15 VICT. c. 76 (DEER REMOVAL ACT)—continued.

2. *Negotiations and Amendments during the progress of the Bill; how far the Commoners were represented:*

Arrangement made with certain petitioners against the Bill as to the area to be inclosed, it having been proposed by them that the measure should be considered final, and that the Crown should be left in the position of an ordinary lord of the manor; reference hereon to a certain bill of costs in 1851 and to other documentary evidence on the subject, *Watson* 51-72—Explanation as to there having been no ascertainment of rights of common when the Bill of 1851 was introduced, *ib.* 51.

Circumstances under which the words "other beasts of chase" were struck out of the Bill of 1851; the petitioners' counsel were not present when this was done, *Watson* 68-70.

Further explanation as to the non-adoption of the proposal of the petitioners in 1851 that the Crown should be left in the position of an ordinary lord of the manor, and as to the circumstances under which "other beasts of chase" were struck out of the Bill, *Watson* 138-153. 207.

The circumstances under which the Deer Removal Act were obtained are fully and correctly set forth in witness' reports to the Treasury in December 1867 and June 1871, *Hon. J. K. Howard* 235-241—Very shrewd and efficient representation of the commoners at the time of the settlement in 1851, *ib.* 529-534.

Consultation of witness by the Crown, and partly by the other side as well, when the Bill of 1851 was being brought forward, *Clutton* 1180.

Impression of witness that on the part of the verderers he gave no assistance to the Crown in connection with the Bill of 1851, *Stead* 1630-1632.

Omission from the Bill of 1851 as first brought in, of the words "can best be spared from the commons and highways," such words having been repeated in all previous Acts since 1698, *Esdaile* 1663, 1664—Important and extensive additions to the Bill of 1851 before it became law, *ib.* 1701—Impossibility of ascertaining the common rights when the Act of 1851 was passed, *ib.* 1704, 1705.

Grounds for the conclusion that Mr. Clutton and Mr. Gardiner were in close communication as to the proposal in the Bill of 1851, that the Crown should inclose 14,000 acres; computation by the farmer according to which such inclosure would represent half the value of the forest, *Esdaile* 1719. 1726-1739.

Entire absence of communication between witness and the solicitor to the Office of Woods in 1849 in regard to the estimated value of the Crown rights; witness had nothing whatever to do with fixing the acreage at 14,000, *Clutton* 2047. 2068.

Denial that there was any proper representation of the commoners before the Committee of 1851, *Esdaile* 2131. 2158, 2159—Statement as to the commoners not having contemplated in 1851 any such change in their position as has been effected under the Act, *ib.* 2158.

Further statement as to the close agreement between Mr. Clutton's valuation in 1849 and the 14,000 acres in the Bill of 1851, *Esdaile* 2257, 2258.

Denial that witness' father, who was a verderer in 1851, took any partisan line in reference to the Bill of that year, *Compton* 2898—Decided misapprehension of the commoners in 1851 as to the effect of the Act; the smaller commoners were not represented when the Bill was under consideration, *ib.* 2898. 2933-2935. 2996-2999. 3016.

Admission as to the chief provisions of the Act of 1851 having been settled after negotiation with persons representing the commoners, or at least with opposing petitioners, *Esdaile* 3672, 3672*—Statement of the circumstances under which Messrs. Pritts' bill of costs in 1851 was recently obtained by the solicitor to the Office of Woods; comment upon the action of Mr. Watson in this matter, *ib.* 3673-3677.

Explanation of the circumstances under which Messrs. Pritts' bill of costs in 1851 came into witness' hands, he never having asked for it and having suggested that Messrs. Pritt should appear before the Committee, *Watson* 3689-3692—Reference to a statement by Mr. Pritt that the petitioners against the Bill of 1851 were consenting parties to the removal of the words "other beasts of the forest or chase," *ib.* 3689.

Particulars relative to the interest and common rights of the petitioners represented by counsel before the Bill of 1851, *Watson* 3710-3712—Cognisance of the commoners or petitioners in June 1851 as to the effect of thrown out inclosures, *ib.* 3713.

Sundry details set forth in the bill of costs of the solicitor for the Bill on the part of the Crown, *App.* 262-269.

3. *Reduction*

ACT 14 & 15 VICT. c. 76 (DEER REMOVAL ACT)—continued.**3. Reduction in the Area to be inclosed as Compensation for the Removal of the Deer:**

Proposal in the Bill of 1851, as introduced, that the Crown should have the right to inclose and plant 14,000 acres; as the trees on such 14,000 grew up, so as to be past injury from the browsing of cattle, the land was to be thrown out and a fresh quantity from time to time inclosed, *Watson* 43.

Further statement as to the Bill of 1851 having before alteration proposed the right of inclosure of 14,000 acres in addition to 6,000 acres already inclosed, *Watson* 49-51—Details relative to the proceedings and negotiations which resulted in the substitution of 10,000 acres for 14,000 acres under the Act of 1851, *ib.* 51-70. 141. 145, 146.

4. Question as to the Act having been a Compact between the Commoners and the Crown:

Mutual benefit expected by the Crown and the commoners from the Act of 1851, else both parties would not have approved the measure, *Watson* 165, 166.

Witness has always regarded the measure as a compact between the Crown and the commoners, and considers that the latter has no right to seek for a modification of the Act without the consent of the former, *Hon. J. K. Howard* 242. 275—Witness is quite prepared to abide by the settlement of 1851, *ib.* 275.

Witness repeats that the Act of 1851 was a bargain or compact, ratified by Parliament, between the commoners and the Crown, *Hon. J. K. Howard* 535-539. 630, 631—Opinion that the commoners are strictly bound by the Act of 1851, although there had been no ascertainment of their rights previously, *ib.* 590-595.

Interpretation of the Act of 1851 as it stands, without reference to the circumstances under which it was passed, *Clutton* 1309-1314.

Admission as to the Act of 1851 having been a bargain between the Crown and the commoners, witness contending, however, that the deprivation of commoners' rights under the Act of 1898 should be kept in view, *Jenkinson* 1514-1519.

Grounds for the denial that the Act of 1851 was a compact between the commoners and the Crown, *Esdaile* 2131-2136—Repeal of one clause of the Act, whilst further change was proposed in it by the Bill of 1861, *ib.* 2132-2136.

5. Conclusions as to the Necessity of an Amendment of the Act:

Opinion that the main question for the present Committee to determine is whether, and to what extent, the relative rights and interests of the Crown and the commoners as they existed in 1850, have been altered by the Act of 1851 to the prejudice of either, *Esdaile* 1654, 1655. 1698—Expediency of an amendment of the Act in equity to the commoners, *ib.* 2185-2190.

Conclusion that the Act of 1851 was most unfair to the commoners, and was passed in entire ignorance of the common rights and their value; necessity of an amendment of the Act, *Lovell* 2759, 2760. 2767-2776. 2847-2849.

Necessity of some amendment of the Act of 1851, else the small commoners may disappear altogether, *Compton* 2993-3004. 3013-3016.

See also *Castleman, Mr. Commoners, &c. Crown, The. Deer. Fence Month and Winter Heyning. Inclosures and Plantations. Malmesbury, Earl of. Select Committees of 1848-49.*

Act 17 & 18 Vict. c. 49 (1854). Important provision in the Act 17 & 18 Vict. c. 49, whereby common rights were to be allowed on fifty-four years' user (or since 1800), irrespective of the question whether they could be substantiated at law, *Watson* 15—Statement to the effect that the clause in the Act of 1854, treating fifty-four years as sufficient evidence of title was inserted in the Act by virtue of an arrangement or understanding in 1851, *ib.* 20.

Examination to the effect that the Act of 1854 conferred a boon in legalising all rights exercised since 1800; reference hereon to the limited character of many of the claims in the justice seat of 1860, *Watson* 25. 47. 154-160.

Agistment Dues. Heavy expense necessarily incurred by the Crown in the collection of agistment dues, *Cumberbatch* 1114-1116.

Allotment to the Crown and the Commoners. See *Disafforestation and Allotment.*

Allum Green. Excellent pasture at Allum Green which adjoins some natural woodland, *Squarey* 2575-2577.

Anses Wood. Serious injury to witness if Anses Wood, near Friham, be inclosed, *Parnell* 3312-3315.

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Area and Boundaries. Statement of the present boundaries and area of the forest; considerable diminution since the original afforestation, *Watson* 16—Total of between 62,000 and 63,000 acres, of which the freehold is in the Crown, to which the provisions as to planting in the Deer Removal Act of 1851 apply, *ib.* 18—Total of 85,454 acres as the area of the forest in 1698; reduction to about 63,000 acres by the year 1789, *ib.* 23-25.

Particulars relative to the boundaries of the forest, as shown on a certain map; reference hereon to the first and second perambulation of the forest in the reign of Edward the First, *Cumberbatch* 1041-1047—Cause of over-statement in the Act of William the Third as to the acreage of the Crown wastes, *Esdaile* 2140.

Map of the forest, showing the boundaries, inclosures, &c., *App.* 276.

Artists. Petition presented by witness, signed by the President of the Royal Academy, by nineteen royal academicians, and by twelve associates, praying for the preservation of the forest, *Fawcett* 3556—Great value attached to the natural forest by artists; reference hereon to a recent exhibition of pictures from the forest, and to certain petitions from artists and others, *Eyre* 3644-3646. 3661-3664—Explanation of the term "subtlety of terrain" in the artists' petition, *ib.* 3656-3660.

Ashurst Inclosure. Inclusion of a good deal of pasture land in the Ashurst Inclosure, *Stead* 1586. 1589.

B.

Beauty of the Forest. Denial that witness has felled large quantities of ancient and natural timber, or has marred the beauty of the forest, *Hon. J. K. Howard* 279-294. 328-330. 445-469. 681-702—Examination in support of the view that the old woods will not renew themselves, and that planting is essential, in order to maintain the beauty of the forest, *Clutton* 1181. 1258-1268. 1273-1278.

Effect of the action of the Office of Woods under the Act of 1851, in marring the beauty of the forest, and in destroying its value as a place of public recreation and of historical interest, *Esdaile* 2285-2289—Doubt as to the beauty of the forest being increased by an increase of plantations, *Squarey* 2439, 2440—Great beauty of the natural woods and open heaths, *Fawcett* 3547, 3564. 3567. 3585, 3586.

Witness has seen numerous forests out of England, and has arrived at the conclusion that the New Forest is a wonderful place, and that there is nothing like it elsewhere; this is the opinion also of other travellers who have seen the forest, *Eyre* 3616—Superior beauty of the New Forest as compared with the conserved forests of Germany; ruin of the natural beauty of the former if inclosures go on, *ib.* 3617. 3633—Peculiar characteristic and especial beauty of the New Forest, in that it is an open wood, and that nature has been left to work her will absolutely, *ib.* 3618-3621—Disfigurement and monotony wherever there are or have been artificial plantations, *ib.* 3664—Much more beautiful character of natural-grown trees than of planted trees, *Esdaile* 3683. 3688.

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Bere Woods (Hants). Satisfactory results of disafforestation in the case of Bere Woods, *Hon. J. K. Howard* 854, 855.

Bill of 1792. Chief provisions of a Bill introduced in 1792, but not passed; new language employed upon the question of a *toties quoties* power of inclosure, *Esdaile* 1670-1672.

Bill of 1861. Chief provisions of the Bill proposed by Government in 1861, for regulating the exercise of common rights; proposed power also in the Commissioners to grant licenses to turn out during fence month, *Watson* 85—Petition by freeholders and commoners against the foregoing Bill, more especially as regards the imposition of a tax for license to turn out cattle during fence month, *ib.* 86.

Opposition to the Bill of 1861 at a meeting of verderers and others in London in May 1861, and at a meeting at Lyndhurst in June; subsequent communication from the Commissioner to the verderers announcing the withdrawal of the measure, *Watson* 86, 87.

Withdrawal of the Bill of 1861, the commoners having opposed it; letter from witness on the subject, *Hon. J. K. Howard* 542-546. 780-782.

Provision of the Bill of 1861 adverted to, as showing that the measure could not have been approved by the great body of the commoners, *Esdaile* 1756.

Bills of 1871. Abandonment by Government of the Bill introduced in 1871 for the disafforestation of the New Forest, *Watson* 95—Belief that a Bill was also deposited in 1871 by certain gentlemen of the New Forest, this Bill having likewise been dropped, *ib.* 95-99—Notices given in 1871 of a further Bill; this Bill was never proceeded with, as satisfactory

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satisfactory arrangements could not be made with the persons acting for the commoners, *Watson* 100.

Inability of witness to explain certain provisions proposed in the Bill of 1871, *Hon. J. K. Howard* 334-343—Claim to compensation for forestal rights under the Bill of 1871, they not having been compensated for in 1851, *ib.* 766-771.

Circumstance of power having been taken under the Government Bill of 1871 to deal with the Crown's share in the forest as its private estate, the commoners being also empowered to exclude the public from their allotment, *Jenkinson* 1407—Explanation of the circumstances under which the commoners felt constrained to approve the Bill of 1871 for a severance of rights, *Compton* 3017. 3032-3034—Circumstance of the Bill of 1871 having contained no provisions for the protection of the interests of the public, *Eyre* 5655.

Reference to the preamble of the Bill of 1871 relative to the proposed severance of rights; belief that the formal consent of the Crown to this Bill was not asked, *Watson* 3733-3735.

Burley. Very good pasture in Burley old inclosure, *Esdaile* 2157—Considerable value of the common rights attached to land of witness at Burley, *Thomas* 3207-3215. 3235. 3261. 3278-3284—Doubt as to witness' freehold at Burley being injured by neighbouring inclosures, *ib.* 3278-3284.

C.

Castleman, Mr. Comment upon certain evidence of Mr. Castleman to the effect that as one of the opponents of the Bill of 1851 he fully believed that the Bill as altered would benefit the commoners, and that everything necessary for the preservation of the deer would go with the deer, *Watson* 201-207—Claim made by Mr. Castleman to common pasture at all times except fence month, *ib.* 3721. 3764.

Cattle and Ponies. Doubt as to many cattle or ponies finding their way into the inclosures near Beaulieu and Brockenhurst, *Jenkinson* 1468-1471—High-bred cattle are never turned into the forest, *Jenkinson* 1521; *Stead* 1559—Advantage of the feeding of the cattle as adding to the park-like character of the forest, and as preventing too much underwood, *Pink* 2534, 2535. 2539; *Woolley* 2641-2646—Beneficial effect by the admission of cattle when inclosed timber reaches a certain size, *Squarey* 2580-2582.

Opinion that cattle are necessary with a view to the ornamental character of the old woods, *Esdaile* 1982-1984; *Lovell* 2748, 2749—Very little damage to self-grown trees by the ponies and cattle, so long as there is protection by bushes and fern, *Lovell* 2724. 2734-2739—Very little damage by the cattle in the winter time, *ib.* 2783.

Grounds for concluding that there is no advantage, but rather disadvantage, in excluding cattle from the natural woods, *Eyre* 3619. 3630, 3631. 3634-3639—Useful shelter afforded to cattle in bad weather by the old woods, *ib.* 3642.

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Character of the Population. Troublesome population in the neighbourhood of Beaulieu and Brockenhurst; difficulty in keeping the cattle out of the inclosures in this locality, *Cumberbatch* 1109-1113—Great improvement in the character of forest populations in consequence of disafforestation; instance at Wychwood where there were numerous poachers and vagabonds, *Clutton* 1211. 1230-1232—Conclusion as to the people on the borders of the New Forest being of the same exceptionable class as formerly at Wychwood, *ib.* 1212, 1213.

Excellent character of the population round the forest, *Jenkinson* 1526—Decided improvement in the morality of the population since the removal of the deer; frequent convictions formerly, *Stead* 1542-1546—Well-conducted character of the population on the whole, *ib.* 1562-1565.

Letter recently received by witness from the clerk to the guardians of the Ringwood Union, testifying strongly to the excellent character of the population of the New Forest, and to the very small amount of crime and pauperism, *Esdaile* 2111—Very orderly character of the forest population, *Lovell* 2803, 2804—Excellent character generally of the small freeholders and tenants, who are a most respectable class, and who should not be extinguished, *Compton* 2885. 2890, 2891. 2931, 2932—Well-conducted character of the labouring population on the whole, *Seager* 3416-3418.

Warm repudiation of certain imputations recently cast by Mr. Clutton upon the character of the population; very different opinion held by him in 1849, *Esdaile* 1935-1938. 2314.

Chater, Thomas. (Analysis of his Evidence.)—Great value of the forest rights exercised by witness, as occupier of about twenty acres of land at Brook, 3437-3446. 3468-3470—Extent of injury to witness and other occupiers by Prior's Acre Inclosure, 3447-3451 3478-3485—Good pasturage in part of King's Garn Gutter and Highland Water Inclosures, 3452-3454—Very little pasture in the Copse of Linwood Inclosure since it has been thrown out, 3455-3461.

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Clumps of Trees. Doubt as to the advantage of leaving clumps of trees for ornamental purposes when plantations are cut down, *Esdaile* 3684-3688.—See also *Old Woods*.

Clutton, John. (Analysis of his Evidence.)—Very long and extensive experience of witness as a surveyor, and as a land and timber valuer, 1168-1170—Employment of witness for the Crown in connection with the disafforestation of Hainault, Wychwood, Woolmer, and other forests; large proportion of the area allotted to the Crown in each of these cases, 1171-1173. 1189. 1320—Extent of witness' knowledge of the New Forest, and of the relative rights of the Crown and of the commoners; when he gave evidence before the Committee of 1848-49, he knew very little of forest law, 1174-1179. 1224. 1336.

Reference to a certain legal opinion given many years ago by Sir Vicary Gibbs and Sir Thomas Plumer as being the basis of witness' recent calculations as to the value of the Crown's rights and the commoners' rights, 1175. 1176—Consultation of witness by the Crown, and partly by the other side as well, when the Bill of 1851 was being brought forward, 1180.

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Satisfaction to be given to commoners by the appointment of a commission for the settlement of claims, 1211. 1219. 1230-1232—Great improvement in the character of forest populations in consequence of disafforestation; instance at Wychwood, where there were numerous poachers and vagabonds, 1211. 1230-1232—Conclusion as to the people on the borders of the New Forest being of the same exceptionable class as formerly at Wychwood, 1212, 1213—Twofold benefit to the commoners by disafforestation; question considered hereon as to the alteration to be made thereby on the score of right of pasture, 1220-1232.

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Explanation that witness is not a Government official, 1322. 1374—Grounds for the opinion that fifty years hence the trees in Mark Ash will not exist, 1325-1335—Opinion as to the public having had no legal rights in Epping Forest, 1343. 1375-1378—Question as to the effect of the preservation of game, in a large Crown allotment, upon the character of the population, 1345-1348—Increasing value of the plantations yearly, 1350-1353—Considerable value of the timber, in the event of an allotment, irrespectively of the land being let for residential purposes, 1371-1373.

[Second Examination.]—Correction and explanation of certain portions of witness' former evidence before the Committee, 2056-2065. 2082-2085—Explanation that the opinion of Sir Vickary Gibbs and Sir Thomas Plumer was known to witness in 1868, when he appeared before the House of Lords Committee, 2058-2062. 2086, 2087—Analogy between the New Forest and Woolmer (rather than Hainault), as regards the power of inclosure, 2062, 2063.

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Effect of the paramount right to keep an unlimited number of deer in practically excluding cattle, 2082-2085—Explanation that in contemplating the cultivation of timber and the setting out of inclosures upon whatever area may be allotted to the Crown, it is not intended and is not necessary to exclude the public, any more than in Richmond Park, 2088-2110—Decided objection to cutting down the ancient and ornamental timber, 2100—Bar to the inclosure of all the best land on account of the restriction as to each inclosure being at least 300 acres, 2106.

Clutton, Mr. Official influence by which the evidence of Mr. Clutton is doubtless affected, *Jenkinson* 1408—Reference to Mr. Clutton as having appeared before Committees always on the side of the Crown, and as being practically the Government surveyor in reference to the forests, *Esdaile* 1726. 1744, 1745.

COMMISSIONERS OF WOODS, &c.:

Permanent character of the appointment of the Commissioners of Woods under the Act 10 Geo. 4, c. 50, their position with respect to the Crown property being very similar to that of trustees of a settled estate, *Watson* 4. 6-9—Separate and exclusive powers exercised by each Commissioner as regards the property placed under his management, *ib.* 4, 5—Indirect control of Parliament over the Commissioners' tenure of office, inasmuch as their salaries are now voted by Parliament, *ib.* 9.

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Commencement of an entirely new management in 1849, greatly to the injury of the beauty of the forest, though much valuable timber has doubtless been planted, *Lovell* 2786-2791, 2815, 2816. 2864—Explanation that witness does not attach blame to the

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Office of Woods, the department having done nothing but what it believed to be its duty in inclosing the best land, *Compton* 2893-2897. 2992.

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See also Act 14 & 15 Vict. c. 76. *Commoners and Common Rights. Crown, The. Inclosures and Plantations. Management. Old Woods, &c. Reports, &c.*

COMMONERS, AND COMMON RIGHTS:

1. *Claims at the Justice Seat of 1670.*
2. *Commission of 1789.*
3. *Commission of 1849.*
4. *Inquiry and Adjudication by the Commissioners under the Acts of 1851 and 1854.*
5. *Conflicting Evidence as to the Extent of the Rights of Common.*
6. *Practical Value of the Rights to the Commoners.*
7. *Question of Compensating the Commoners for Loss of Rights.*
8. *Means of securing Amicable Relations between the Commoners and the Crown.*
9. *Total Number of Commoners, and Number of Petitioners against the Act of 1851.*

1. *Claims at the Justice Seat of 1670 :*

Information in connection with the claims to rights of common at the justice seat of 1670, and the principles applied at that inquiry, *Watson* 20—There were made 307 claims to rights of common, but no decisions were given, *ib.*

2. *Commission of 1789 :*

Full and important Report by the Commissioners of 1789 relative to the rights of the Crown and the commoners, and the modes of dealing with each, *Esdaile* 1661. 1668, 1669—Recommendation by the Commissioners that the forest should not be enclosed, and that fence month and winter heyning should be abolished, *ib.* 1661. 1668.

3. *Commission of 1849 :*

Extracts from Report of the Commissioners appointed in 1849 to inquire into the claims over the forest; conclusions therein as to the conditions and limits of rights of common on the one hand, and as to the very extensive forestal rights of the Crown on the other hand, *Watson* 38, 39. 42.

Large number and great variety of claims submitted by the commoners before the Commission appointed previously to the Deer Removal Act, *Cumberbatch* 892-898.

4. *Inquiry and Adjudication by the Commissioners under the Acts of 1851 and 1854 :*

Provisions in the Deer Removal Act of 1851 for inquiring into and adjudicating upon claims to rights of common in the forest, *Watson* 15—Award by the Commissioners appointed under the Act of 1854, showing the conclusions arrived at as regards rights of common of various kinds, *ib.*—Result of the decision of the Commissioners that rights of common are exercisable during about six months in each year, *ib.*—Boon to those claiming rights by the provision in the Act of 1854 in regard to fifty-four years' user, *ib.* 15. 20. 25. 47. 154-160—Allowance by the Commissioners' award of common of pasture for sheep only in cases where it is expressly mentioned, *ib.* 15, 16.

Witness submits that the rights must be held to be those which were defined by the Commissioners under the Act of 1854, and that it is futile to inquire into their origin, *Watson* 16. 20.

Question considered as to the power of the Commissioners' under the Act of 1851, to inquire into the proceedings under prior Acts, *Hon. J. K. Howard* 271.

Little if any concession to the commoners by the recognition of fifty-four years' user of common rights, *Esdaile* 1919—Grounds for the conclusion that the Commissioners under the Act of 1854 had no power to adjudicate on the rights of common, *ib.* 2259-2265—Disallowance of numerous claims of rights of common made before the Commission of 1854; objection made on the part of the Office of Woods to every claim, *Compton* 2882-2884—Claim to forest rights in the case of all cottages before 1800, *Smith* 3525-3527.

Decided objection to any new rights of common, &c., being granted beyond those settled by the Commission under the Act of 1854, *Watson* 3714, 3715—Grounds for the statement that the claims sent in under the Acts of 1851 and 1854 did not have reference to the state of things before the Deer Removal Act, *ib.* 3716—Unless a claim was objected to, it would be allowed, *ib.*

Full notice and opportunity given to claimants before the Commissioners under the Act 17 & 18 Vict. c. 49; belief that till 1867 the Commissioners decisions were never complained

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4. *Inquiry and Adjudication by the Commissioners, &c.*—continued.

complained of, *Watson* 3722, 3723—Opinion that the expenditure on the inquiry as to rights of common was incurred mainly for the benefit of the commoners, *ib.* 3726, 3727.

5. *Conflicting Evidence as to the Extent of the Rights of Common:*

Argument in detail as to the limited character of the rights of common in various respects, and as to the paramount character of the Crown's rights; quotations from "Manwood" to this effect, *Watson* 15-20—Doubt as to any rights of common having originally existed over the land afforested by William the Conqueror, *ib.* 16. 20. 161-164—Conclusion that on disafforestation rights of common which before existed for only six months cannot be claimed for twelve months, *ib.* 20—Identity as regards the rights with respect to the area over which they are exercisable, *ib.*

Full protection of the commoners' rights by the Act of 1851, *Hon. J. K. Howard* 357-359—Conclusion as to the Crown's rights being paramount to the common rights, witness judging the latter by the settlement of 1851, and not by any ancient record or title, *ib.* 371. 377-391—Expediency of keeping the forest as free from rights as possible, *ib.* 745—Existence of common rights over certain lands beyond the Avon, westward, *ib.* 856-861.

Conclusion as to common rights pertaining to some 65,000 acres, *Cumberbatch* 1048—Reason of witness for concluding in 1849 that the 6,000 acres inclosed under the Act of William the Third was no longer part of the waste of the forest, and was for ever free of common rights, *Clutton* 1269-1272.

Remarkable coincidence between the claims made in 1670 and the claims in 1854 as regards the area over which common rights applied; present total of 26,000 acres of private land within the limits of the forest subject to such rights, *Esdaile* 1656, 1657—Large margin outside the forest, in addition to the land within the forest, over which the rights of common extend, *ib.* 1720-1725—Total inadequacy of an allotment of 15,000 acres as compensation to the commoners for rights of pasture, &c., over 65,000 acres, *ib.* 1739. 1746—Fallacy of the theory that the common rights were given in consequence of the burthen of the forest law, *ib.* 1752.

Entire groundlessness of a suggestion that the commoners have been trying to appropriate Crown property, *Esdaile* 2030—Good grounds for the statement that the common rights are better defined and more ancient than the forestal rights, *ib.* 2055.

Argument altogether opposed to Mr. Watson's conclusions as to the origin of common rights, and as to their being subsidiary to the Crown's forestal rights; imperfect quotation of "Manwood" by Mr. Watson on this point, *Esdaile* 2112-2116—Decided opinion that the common rights existed before afforestation, *ib.* 2114, 2115.

Contention on the part of the commoners that their rights are common law rights, and are not removed with the removal of the burden of the forest, *Esdaile* 2116—Statutable right of the commoners save as regards fence month and winter heyuing, *ib.* 2117—Belief that there are no cases of special grant of a right of common, *ib.* 2118.

6. *Practical Value of the Rights to the Commoners:*

Considerable value of the rights of common chiefly in the case of the small tenant holders, *Jenkinson* 1520-1523. 1525—Exercise of rights of common mainly by the poorer commoners, *Slead* 1558, 1559—Practical value of the rights of common to the small commoners; degree of independence in consequence, *ib.* 1565, 1566. 1568-1571.

Value of the rights of common in improving the position of the small commoners as labourers, *Lovell* 2805-2809—Result of inquiries by witness that on small holdings, such as from five to ten acres, a man might keep a cow per acre with the aid of his common rights, *Compton* 2906-2908.

Great value formerly of the right of turning out cattle in the forest, whereas in consequence of Shave Green and other inclosures in recent years all the good pasturage near witness' farm is gone, and he no longer finds it any use to turn out, *Egerton* 3047. 3055. 3076-3108. 3122-3128—Importance of the power of turning out in the case of labourers and small commoners; impracticability of any adequate compensation of this class in the event of disafforestation, *ib.* 3056-3067—Circumstance of witness not having asked for any reduction of his rent since the diminished value of the right of pasture, *ib.* 3122-3128.

Doubt as to the actual money value of witness' rights, *Thomas* 3260, 3261. 3270-3277—Considerable value attached to witness' rights of pasture in respect of some land occupied by him at Fritham; diminished value since the Crown inclosures, *Parnell* 3288-3307—Importance to witness' father, who is a small freeholder, of the right of turning out in the forest, *Kitcher* 3321. 3334.

Statement as to the effect that the rights of pasture, &c., in respect of a small freehold belonging to witness, and of a farm occupied by him at Pennerly, are exceedingly valuable to him, *Seuger* 3367-3389—Estimate of 10 s. an acre as the annual value of the rights

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6. Practical Value of the Rights to the Commoners—continued.

attached to the freehold, *Seager* 3386-3388—Great value of the forest rights exercised by witness, as occupier of about twenty acres of land at Brook, *Chater* 3437-3446. 3468-3470—Practical value of the rights of common exercised by the cottagers on Mr. Eyre's estate, *Smith* 3487 *et seq.*

7. Question of Compensating the Commoners for Loss of Rights :

Facility of compensating the numerous small commoners for giving up their rights of pasture, *Cumberhatch* 1159, 1160—Satisfaction to be given to commoners by the appointment of a commission for the settlement of claims, *Clutton* 1211. 1219. 1230-1232.

Conclusion that whatever allotment went to the commoners, in the event of disafforestation, would surely be inclosed, *Jenkinson* 1407—Ruin to the small commoners if their rights were extinguished or bought up, *Jenkinson* 1524, 1525; *Stead* 1561. 1565, 1566; *Esdaile* 1648. 1933, 1934—Impracticability of setting out the proposed 15,000 acres in blocks near the population, *Esdaile* 1739. 1746—Desire of the great majority of the commoners to keep the forest open, thus rendering it available to the public, *ib.* 2035, 2036.

Objection of witness to part with his common rights for any compensation, *Lovell* 2792-2795—Grounds for the conclusion that an extinction of common rights with or without compensation would assuredly lead to the extinction of the small freeholders and tenants, *Compton* 2886-2890. 2926-2930—Further statement as to the great value of the rights of common to the small freeholders and tenants, so that in fact it would not be possible to compensate them, *ib.* 3005-3012.

Decided objection to any compensation in lieu of witness' common rights, *Thomas* 3256-3259—Practical obstacle to any satisfactory compensation in the case of small freeholders, *Kitcher* 3333, 3334—Importance in a national sense of preserving the commoners and small freeholders; independent and admirable character of this class, *Fawcett* 3549. 3568, 3569. 3576, 3577.

8. Means of securing Amicable Relations between the Commoners and the Crown :

Belief that if the Crown's rights were properly defined and restricted, and if there were no rolling power of inclosure, the commoners and the Crown might go on together as amicably as before 1851, *Esdaile* 3679.

9. Total Number of Commoners, and Number of Petitioners against the Act of 1851 :

Total of about 1,200 petitioners against the Act of 1851 and its operation, these representing the great body of the commoners, *Esdaile* 1670. 1915-1918—The number of commoners is about 1,300, *ib.* 1917.

See also Act 14 & 15 Vict. c. 76. Bill of 1861. Bills of 1871. Cattle and Ponies. Character of the Population. Constitution of Committee. Crown, The. Deer. Disafforestation and Allotment. Fence Month and Winter Heyning. Fuel Rights. Inclosures and Plantations. Pannage. Pasture. Public, The. Regulation of the Forest. Turbary.

Compensation. See Commoners, &c., 7. Deer. Disafforestation and Allotment.

Compton, Francis. (Analysis of his Evidence.)—Is a barrister, and is intimately acquainted and connected with the New Forest, his father having been a verderer, and his brother being owner of the manor of Minestead, comprising about 2,000 acres, 2872-2879—Very large number of small freeholders and of small tenants in the forest, 2880, 2881. 2923-2925—Disallowance of numerous claims of rights of common made before the Commission of 1854; objection made on the part of the Office of Woods to every claim, 2882-2884.

Excellent character generally of the small freeholders and tenants, who are a most respectable class, and who should not be extinguished, 2885. 2890, 2891. 2931, 2932—Grounds for the conclusion that an extinction of common rights, with or without compensation, would assuredly lead to the extinction of the small freeholders and tenants, 2886-2890. 2926-2930.

Dissatisfaction of the small commoners with the course pursued since 1851 in selecting the best land for inclosure; good reason for their complaints on this point, 2893-2897—Statement as to the Forest Inclosure Commissioners having been overreached by the Office of Woods, the latter having pursued the policy of selecting such land for inclosure as would most depreciate the value of the common rights, 2893-2897.

Denial that witness' father, who was a verderer in 1851, took any partisan line in reference to the Bill of that year, 2898—Belief of witness' father in 1821, and of the commoners generally, that fence month and winter heyning went with the removal of the deer, 2899, 2900. 2903-2905—Circumstance of Mr. Montague Smith having given a decided

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a decided opinion that the Act of 1851 did preserve the forest law connected with the deer; since this opinion there has been no doubt on the subject, 2900-2902.

Result of inquiries by witness that on small holdings, such as from five to ten acres, a man might keep a cow per acre with the aid of his common rights, 2906-2908—Removal of large quantities of old timber in witness' time, fir-trees having been planted instead, 2911, 2912—Successful growth of young oak trees in Savernake Park, although there are a great many deer and cattle there; belief that these trees were planted, 2914-2919. 2966, 2967—Great interference of some inclosures with the rights of way, 2920-2922.

Very little pasture in lands thrown out of inclosure, this being no compensation for the inclosure of open lands; grounds for this conclusion, 2933, 2934. 2945-2959. 2977, 2978—Decided misapprehension of the commoners in 1851 as to the effect of the Act; the smaller commoners were not represented when the Bill was under consideration, 2933-2935. 2996-2999. 3016—Concurrence in the view of the commoners that the Act should be amended, and that further inclosures should not be allowed under a rolling power; species of confiscation if this power were fully exercised, 2938-2942. 2987-3001. 3013-3016—Obstacle to the exercise of a rolling power without depreciating the rights of pasture, 2945-2959.

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Large proportion of the uninclosed land, which consists of heath, and is almost valueless as pasture, 2973-2976—Great harm done to the soil by the right of cutting turf, 2979, 2980. 2983. 2986. 3038—Inclosure of nearly all the good land, the heath land being left out, 2981, 2982—Considerable value of the rights of turbary in the case of small cottagers; difficulty of compensation, as by means of fuel grants over the growing woods, 2983-2986. 3035-3040.

Explanation that witness does not attach blame to the Office of Woods, the department having done nothing but what it believed to be its duty, 2992—Necessity of some amendment of the Act of 1851, else the small commoners may disappear altogether, 2993-3004. 3013-3016—Decided diminution of the value of the pasture rights by the inclosures since 1851, though not carried out up to the point when a rolling power comes into play, 3000-3004.

Further statement as to the great value of the rights of common to the small freeholders and tenants, so that in fact it would not be possible to compensate them, 3005 3012—Explanation of the circumstances under which the commoners felt constrained to approve a Bill in 1871 for a severance of rights, 3017. 3032-3034—Apprehension lest, in the event of a severance, the commoners would greatly suffer, the proportion of total value claimed by the Crown being unduly large, 3018-3023.

Further reference to the legal right of the Crown as to winter heyning and fence month; question considered hereon whether the commoners might not be allowed pasture for the whole year provided they recognised the Crown's right by a small payment, 3023-3031.

Constitution of Committee. Influential representation of the commoners upon the present Committee; witness however raises no objection on this score, *Hon. J. K. Howard* 879. 881-887.

Copse of Linwood Inclosure. Very little pasture in the Copse of Linwood Inclosure since it has been thrown out, *Charter* 3455-3461.

Corbin, George B. Letter from Mr. Corbin, dated 2nd June 1875, protesting, on entomological grounds, against any further inclosure of the forest, *App.* 275.

Cost of Management. See *Expenditure.*

Cottagers. There are nineteen cottagers on Mr. Eyre's estate who exercise rights of pasture, &c., and who are thereby enabled to live in a comfortable and independent manner, their wages as labourers being 11 s. or 12 s. a week, *Smith* 3487 *et seq.*

See also *Commoners, &c.* *Small Freeholders and Occupiers.*

Cowper-Temple, Mr. (Member of the Committee). Draft Report proposed by Mr. Cowper-Temple, but not adopted, *Rep.* xvi-xviii.

CROWN, THE (FORESTAL RIGHTS, &c.):

1. *Explanatory Statements on the part of the Office of Woods, &c., as to the Extent, Character, and Value of the Forestal Rights and other Rights of the Crown.*
2. *Evidence of Commoners and Others at Variance, on several Grounds, with the foregoing Conclusions.*
3. *Conclusions and Recommendations by the Committee.*

1. *Explanatory Statements on the part of the Office of Woods, &c., as to the Extent, Character, and Value of the Forestal Rights and other Rights of the Crown:*

Explanatory statement showing the position, respectively, of the Crown and of the public in regard to the Crown estates generally; surrender of the rents by the Crown in consideration of the Civil List, *Watson* 4—Comment upon the distinction constantly drawn between the rights of the public and the rights of the Crown; argument that the latter are really exercised for the good of the commonwealth or of the state at large, *ib.* 10, 11.

Quotations from "Manwood" as showing his definition of a forest and of forest laws; conclusion as to the paramount character of the Crown's rights as compared with the common rights, *Watson* 18-20—Statement showing that down at least to the year 1670 the rights of forest were of an oppressive and onerous character, *ib.* 20.

Argument that the 7th section of the Act of 1851 saves the forestal rights of the Crown, except the right to deer, and that the Act did not by any means abandon the former in giving up the latter, *Watson* 101-137—Conclusion as to the forestal right continuing as regards certain other animals besides deer, and as to winter heyning and fence month not having exclusive reference to the latter, *ib.* 112-137.

Reservation of the forestal rights by the Act of 1851, whatever Lord Seymour or Mr. Gardiner may have said to the contrary, *Hon. J. K. Howard* 762-765, 788-797—Reference to the opinion of Sir Vickary Gibbs and Sir Thomas Plumer in 1860 that the rights of the Crown were paramount over those of the commoners, *ib.* 774, 775.

Existence of forest rights over a large extent of country outside the boundary of both the early perambulations of the forest, *Cumberbatch* 1047.

Extent of witness' knowledge of the New Forest, and of the relative rights of the Crown and the commoners; when he gave evidence before the Committee of 1848-49 he knew very little of forest law, *Clutton* 1174-1179, 1224-1336—Reference to a certain legal opinion given many years ago by Sir Vickary Gibbs and Sir Thomas Plumer as being the basis of witness' recent calculations as to the value of the Crown's rights and the commoners' rights, *ib.* 1175, 1176—Explanation that witness does not abide by the opinion expressed in 1849 that one-half in value should go to the Crown and one-half to the commoners; he was not then aware of the value of the forestal rights, *ib.* 1224, 1225, 1336-1339, 1365-1370.

Respects in which the rights of the lord of a manor are not so extensive or valuable as the Crown's forestal rights in the case of the New Forest, *Clutton* 1233-1243—Analogy to some extent between the circumstances of the New Forest and of Wychwood and other inclosure, as regards the compensation to be awarded to the Crown, *ib.* 1291-1296.

Explanation that the opinion of Sir Vickary Gibbs and Sir Thomas Plumer was known to witness in 1868, when he appeared before the House of Lords' Committee, *Clutton* 2058-2062, 2086, 2087—Further statement to the effect that when witness gave an estimate of the value of the Crown rights in 1849, he had not taken the forestal rights sufficiently into account, and that the estimate in question was given under peculiar circumstances which militated against its strict accuracy, *ib.* 2065-2081.

2. *Evidence of Commoners and Others at Variance, on several Grounds, with the foregoing Conclusions:*

Power of the Crown previously to the Act of 1851 to put forest laws in force by which the full exercise of common rights might be abridged, *Esdaile* 1651—Statement that until 1867 forestal laws or rights were never claimed over a very large area of the forest, *ib.* 1658, 1659—Summary of the powers and rights of the Crown and commoners, respectively, at the time of the introduction of the Bill of 1851, *ib.* 1687-1689.

Good grounds of the commoners in 1851 for concluding that with the removal of the deer all forest rights should cease, *Esdaile* 1703, 1704, 1706, 1711—Approval of the preservation of some of the forest laws not connected with the deer, such as the verderers' court, *ib.* 1707-1710.

Comments upon certain evidence of Mr. Clutton in 1849 as being entirely opposed to statements by him before the present Committee, *Esdaile* 1718, 1729—Different views expressed by Mr. Clutton at different times as to the value of the rights of the Crown in the New Forest; much larger value placed by him on the rights of common in 1849 than in 1875, *ib.* 1729, 1737, 1738, 1742, 1743.

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2. Evidence of Commoners and Others, &c.—continued.

Exceptions further taken to the views of Mr. Clutton at different times as to the value of the land and forestal rights; great excess of compensation for these rights if the Crown had obtained an inclosure of 14,000 acres, *Esdaile* 1894-1898. 2005-2007—Position of a *quasi* lord of the manor in which the Crown was left by the Act of 1851, *ib.* 1949, 1950. 2001-2004—Excess of compensation for the forestal rights by the inclosures of 10,000 acres, unless average land were taken, *ib.* 2005-2007. 2015-2017—Limitation of the rights of the Crown previously to 1851 to the deer and timber, *ib.* 2031, 2032.

Grounds for concluding that Mr. Watson is in error in his argument as to the paramount character of the Crown's rights, and as to the origin of the forestal rights, *Esdaile* 2112-2116—Distinct understanding of Mr. Castlenan, Mr. Compton (who is now dead), and Lord Malmesbury, that with the removal of the deer the deer laws should go, including fence month and winter heyning, *ib.* 2131, 2132. 2163, 2164—Summary of the claims put forward on the part of the Crown at different times; if they were all enforced, nothing would remain to the commoners, *ib.* 2143, 2144—Further reference to Mr. Clutton's valuation in 1869, in which he placed the commoners' interest in the forest at one-half, *ib.* 2158.

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Calculation showing a total of 138,050 *l.* as the estimated value of the Crown's rights, upon the basis assumed by Mr. Clutton in 1849, *Squarey* 2350-2353*—Concurrence in the foregoing estimate, save as regards the right of growing timber, witness putting the total value at 119,425 *l.*, *Pink* 2353. 2356.

Result of the calculations of Mr. Pink and witness, that the Crown has considerably in excess of half the value of the forest, *Squarey* 2357—Estimate of one-fourteenth as the value of the rights of the Crown as lord of the manor, *ib.* 2360.

Conclusion that the Crown's interest in the New Forest is not nearly so much as one-half the value of the forest, as computed by Mr. Clutton in 1849, *Woolley* 2617-2620—In detailed support of this conclusion he submits to the Committee a report recently prepared by him, setting forth the relative interests of the Crown and commoners, *ib.* 2621—Concurrence generally of witness in the views of Mr. Squarey and Mr. Pink, *ib.* 2622-2625.

Circumstance of Mr. Montague Smith having given a decided opinion that the Act of 1851 did preserve the forest law connected with the deer; since this opinion there has been no doubt on the subject, *Compton* 2900-2902.

Argument that the Crown property is held by the Crown as trustee for the public; adoption of this view by the House of Commons in the case of the Thames Embankment, *Fawcett* 3550-3555.

3. Conclusions and Recommendations by the Committee:

Resolutions with a view to a limitation of the area to be inclosed on the part of the Crown, *Rep.* iii—Resolution also that all rights of the Crown reserved under the Act of William the Third and the Deer Removal Act, except as suggested by the Committee to be modified, be maintained, *ib.*—Also that in the event of any future severance of interests the limitations proposed to be placed on the exercise of rights of the Crown should in no way prejudice the claims of the Crown, *ib.*

See also Act 14 & 15 Vict. c. 76. Bill of 1861. Bills of 1871. Commissioners of Woods, &c. Commoners, &c. Deer. Disafforestation and Allotment. Drift of the Forest. Epping Forest. Fence Month and Winter Heyning. Gardiner, Mr. Inclosures and Plantations Private Land. Public, The. Roads and Highways.

Cultivation of the Soil. Belief that if there were a disafforestation and an allotment to the Crown very little of the land would be devoted to agricultural purposes, *Clutton* 1319. 1350-1358—Very poor character of the greater part of the land, so that it could hardly be cultivated profitably; opinion of Mr. George Morrison (a local cultivator) to this effect, *Fawcett* 3573. 3587.

Cumberbatch, Lawrence Henry. (Analysis of his Evidence.)—Has been Deputy Surveyor of the New Forest since 1849; 889-891—Large number and great variety of claims submitted by the commoners in the forest before the Commission appointed previously to

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the Deer Removal Act, 892-898—Enforcement from time to time of the rights of the Crown as to winter heyning, both under the Act 59 Geo. 3 and the Act of 1851; drifts of the forest for the purpose, 889-912—Absence of any clearance of the forest in fence month within the memory of man, 903, 904.

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Evidence in support of the opinion that many of the old natural woods should be temporarily inclosed in order that a succession of young and self-sown trees might grow up in them, 923-931, 943, 944, 956, 966-971—Several instances of clumps of old trees being left in inclosures; complete woods also left standing in some cases, 927, 932-942—Necessity of cutting down dead and decaying timber; satisfaction of fuel rights thereby, 927-929.

Equally fine timber produced by planted trees as by self-sown trees, 945—Failure of former attempts to sow the plantations with acorns; wholesale destruction by mice, 946-948—Great damage to self-grown trees by cattle, 949, 1011-1013—Excellent protection to young trees by the holly, 950—Rapid spread of fir trees through the forest; doubt as to this being due to the removal of the deer, 951-954.

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Considerable economy feasible on the score of staff if there were a disafforestation, and a partition of rights, 963-965—Limited prejudice to the commoners by a gradual or partial inclosure of the old woods; compensation by reducing the right of inclosure otherwise, 966-971.

Pecuniary gain to the Crown by the removal of the deer; loss in a sentimental and picturesque point of view, 972-981—Entire failure of attempts to grow larch in the forest, 986-989—Difficulty also in the case of Spanish chestnut, 990—Obstacle to growing timber for hop-poles as a means of profit, 991-996—Explanation as to hazel not being grown in the forest for the purpose of sale, 997-1000.

Due consideration given by the Commissioners of Woods to the question of suitable timber for planting, 1001-1003—Great mischief still done by mice where acorns are sown, 1004-1007—Question considered whether it would not be well to inclose land where self-sown fir is spreading, the cattle doing great injury to the young trees, 1008-1024.

[Second Examination.]—Further statement as to the improvement in course of time in the pasturage after inclosures have been thrown out, 1025-1029—Information relative to the deep and wide drains by which some of the inclosures are intersected; exceptional instances of cattle having been lost in the drains, 1030-1034—Explanation as to the fern not being retained as a protection to the young oaks; sale of fern to the population, to whom it is valuable as litter, 1035-1040, 1117.

Particulars relative to the boundaries of the forest, as shown on a certain map; reference hereon to the first and second perambulation of the forest in the reign of Edward the First, 1041-1047—Existence of forest rights over a large extent of country outside the boundary of both perambulations, 1047—Conclusion as to common rights pertaining to some 65,000 acres, 1048—Examination relative to a survey and map by Mr. Trimmer, and a report by him in 1849; inaccuracy of this map in including as oak land various parts of the forest inclosed or proposed to be inclosed, 1049-1075.

Denial that old and beautiful timber has been largely cleared away in various inclosures since witness has been deputy surveyor; explanation of the extent to which removal has gone in some instances, 1076-1082—Greater value of the old natural timber standing than cut, 1083—Practice as to witness pointing out to Mr. Howard the land most fit for inclosure, 1084, 1085.

Limited extent to which any old woods were included in a list of nine inclosures sanctioned in June 1870; 1086, 1087—Sanction of about 7,000 acres of inclosure in March 1866, Mark Ash having been then proposed for inclosure but subsequently rejected, 1088-1095—Reference to a proposal by the House of Lords' Committee of 1868 that all "existing" inclosures should be taken as part of an allotment to the Crown; exclusion in such case of all common rights in respect of this land, 1091-1096—Explanations in regard to different gates and roadways; facility to the public as to obtaining keys, 1097-1110.

Troublesome

Report, 1875—continued.

Cumberbatch, Lawrence Henry. (Analysis of his Evidence)—continued.

Troublesome population in the neighbourhood of Beaulieu and Brockenhurst; difficulty in keeping the cattle out of the inclosures in this locality, 1109-1113—Heavy expense necessarily incurred by the Crown in the collection of agistment dues, 1114-1116—Successful growth of young oaks where the hollies and thorn bushes are thick and protect them against the cattle, 1117-1120. 1124-1126—Less necessity for fences in former times when there were fewer cattle, 1121—Beauty of the old woods as planted by the hand of nature; doubt as to the aid of cattle being desirable so as to produce irregularity of outline, 1121-1126.

Advantage of a right to inclose much less than 300 acres when it is intended to renew an old wood, 1127-1130—Reference to certain very large inclosures as being away from the residences of commoners, save at one point; excellent pasture in this locality by means of Balmer Lawn, 1131-1136—Explanation and defence of witness' action in recommending the selection of the best land for the growth of timber; very poor land also selected, as in Knight Wood, 1137-1154. 1156.

Statement relative to the expenditure in drainage out of the Southampton and Dorchester Railway fund, and the stop put to further outlay, 1155—Reason for witness' advice in 1853 in regard to the selection of land so as to "diminish" the common rights; this did not fully express his meaning, 1156—Very large population (20,000 and upwards) living within the forest; great importance to these people of the employment in inclosing and fencing, 1157, 1158. 1161-1163.

Expediency of the present suspensory state of things as to inclosure being promptly settled one way or the other, 1158—Facility of compensating the numerous small commoners for giving up their rights of pasture, 1159, 1160—Grounds for concluding that the mice would not destroy the acorns in the natural woods if inclosed temporarily, 1164—Exercise of forestal rights over about 2,000 acres of private land; practice of shooting annually over these lands so as to maintain the Crown's rights, 1165-1167.

D.

Dean Forest. Circumstance of the commoners in the case of Dean Forest having supported an enactment making declaration as to the winter heyning and fence month, *Watson* 25.

Decayed Timber. Expediency of increased power of cutting down old and decayed timber, *Hon. J. K. Howard* 847-852—Necessity of cutting down dead and decaying timber; satisfaction of fuel rights thereby, *Cumberbatch* 927-929.

DEER:

1. *Damage formerly done by the Deer; Effect of a full Exercise by the Crown of its Right to stock the Forest with Deer.*
2. *Question as to the Inclosures allowed under the Act of 1851 having been fair Compensation for the Removal of the Deer.*
3. *Question as to Owners or Commoners having had a Right to kill Deer.*

1. *Damage formerly done by the Deer; Effect of a full Exercise by the Crown of its Right to stock the Forest with Deer:*

Right of the Crown to keep an unlimited number of deer; injury thereby to the rights of pasture, *Watson* 20. 27. 44-47—Serious injury done by the deer to the fences, so that the proprietors were anxious for their removal, *Hon. J. K. Howard* 367—Little, if any, value of the commoners right of pasture if a full stock of deer had been kept, *ib.* 371-376. 776, 777—Injury to the small commoners as well as the large, by the depredations of the deer, *ib.* 639, 640.

Necessity of the proprietors formerly keeping up very high fences as a protection against the deer, *Stead* 1547—Wretched state of the deer in 1848; too many have been kept; death of 300 in one year, *Esdaile* 1674.

Effect of the paramount right to keep an unlimited number of deer in practically excluding cattle, *Clutton* 2082-2085.

Reference to the Crown's right of keeping deer as being "paramount," or unlimited, only in theory, and as not excluding the commoners' cattle in the summer, *Esdaile* 2129. 2265-2269—Limit of the number of deer by the pasturage available in winter, the pasture in summer being available for cattle as well, *Woolley* 2662-2664—Good done by the deer to the pasture in the open forest, *Lovell* 2785.

DEER—continued.

2. *Question as to the Inclosures allowed under the Act of 1851 having been fair Compensation for the Removal of the Deer:*

Benefit to the commoners under the Act of 1851, in that they are relieved from the burthen of the deer over their lands, whilst they have their rights of common preserved to them, *Watson* 20.—Unreasonableness in the commoners claiming a right of common for twelve months instead of six months; because they are relieved from the burthen of the deer, *ib.* 206, 223.—Dissent from the view that the Crown obtained a very substantial advantage, without giving up anything in return, by the right of planting on an additional area of 10,000 acres, *ib.* 208-222.—Denial that the arrangement proposed in 1789 was substantially the same as that now claimed; that is, as regards the relative concession to the commoners and compensation to the Crown on the removal of the deer, *ib.* 224-229.

Much larger compensation to which the Crown would have been entitled, if in place of the mere removal of the deer the forest had been disafforested; illustration in the case of Hainault, Woolmer, &c., *Hon. J. K. Howard* 243, 244.—Opinion that the settlement of 1851 was very prejudicial to the interests of the Crown, witness submitting that the previous right of keeping an unlimited stock was exceedingly valuable, though not in the sense of money profit, *ib.* 360-367, 399-406.—Equal benefit, at least, to the local proprietors as to the Crown by the removal of the deer, *ib.* 805-810, 830, 877, 878.

Provision formerly of hay for the deer from New Park, and not from any open land inclosed for the purpose; considerable value of the hay consumed, *Cumberbatch* 960, 972-975.—Pecuniary gain to the Crown by the removal of the deer; loss in a sentimental and picturesque point of view, *ib.* 972-981.

Argument that the right to keep deer was more valuable to the Crown than the right to inclose 10,000 acres, *Clutton* 1192-1203, 1297-1307, 1359-1364.

Exceptions taken to certain statements by Mr. Pinn on the part of the Office of Woods, as to the value of the unlimited right of the Crown to keep deer; limited number which the forest could support, *Esdaile* 1773-1776.—Greater injury to the commoners' rights by the planting of 10,000 acres than by the deer, *ib.* 2033, 2034.

Grounds for estimating the value of the right of keeping deer at 15*s.* per head for 3,000 deer; that is, at twenty-five years' purchase, 56,250*L.*, *Squarey* 2351-2353.—Great excess in awarding to the Crown an allotment of four-fifths in respect of the right to keep deer, *ib.* 2360-2362.

Reference to a petition by Lord Malmesbury, Mr. Morant, and others in 1851, against the Bill of that year; that is, as regards the question of injury by the deer, *Watson* 3799.

3. *Question as to Owners or Commoners having had a Right to kill Deer:*

Belief that no owners or commoners had a right to kill deer; reference hereto to a statement before the Select Committee of 1848-49 that Mr. Compton gave up a competition entered into with the Office of Woods, and killed the deer, *Watson* 33-41, 48-49.

See also *Act 14 & 15 Vict. c. 76*. *Commoners &c. Crown, The. Fence Month and Winter Hyning. Inclosures and Plantations.*

Deer Removal Act. See *Act 14 & 15 Vict. c. 76*.

Denny Wood. The old timber has been left in Denny Wood Inclosure, *Hon. J. K. Howard* 701.—Exception taken to the inclosure of old timber at Denny Wood; limited quantity cut down in making the inclosure, *Jenkinson* 1396-1400.—The undergrowth will soon become like a jungle in consequence of the inclosure of the wood, *Lovell* 2730, 2731.—Belief as to Denny Wood having been left standing owing to the Resolution of the House of Commons in 1871, *ib.* 2841, 2843.

DISAFFORESTATION AND ALLOTMENT:

1. *Evidence in favour of a Severance of Rights, and of a Disafforestation and Allotment, if the Act of 1851 be not adhered to.*
2. *Objections to Disafforestation; Injury thereby to the Commoners and to the Public at large.*
3. *Expediency of due Protection of the Crown's Rights in the event of ultimate Partition.*

1. *Evidence in favour of a Severance of Rights, and of a Disafforestation and Allotment, if the Act of 1851 be not adhered to.*

Conclusion that the only remedy for the alleged grievances of the commoners if they insist on disturbing the settlement under the Act of 1851 is a general disafforestation, with such an allotment to the Crown as may be determined by an impartial and competent tribunal to be a just equivalent for its rights and interest, *Hon. J. K. Howard* 275.

Further

Report, 1875—continued.

DISAFFORESTATION AND ALLOTMENT—continued.

1. Evidence in favour of a Severance of Rights, &c.—continued.

Further contention that the only alternatives are to carry out the Act of 1851 in its integrity, or to separate the Crown rights from the common rights, and to compensate the former by an allotment, *Hon. J. K. Howard* 510-513, 547, 550, 564-566—Belief that satisfaction can best be given to the commoners by entirely separating their interests from those of the Crown, and by a complete disafforestation, *ib.* 554-557—Expediency of a separation of interests on other than sentimental grounds, such as the antiquity of the forest, *ib.* 558-563.

Doubt as to disafforestation necessarily leading to the destruction of the open forest as now enjoyed by the public, *Hon. J. K. Howard* 741-744.

Further explanation that witness advocates a complete disafforestation, and an entire separation of interests if the Act of 1851 be not adhered to, *Hon. J. K. Howard* 814-817, 853-855—Less advantageous position of the Crown, in the event of disafforestation, though not having inclosed the full area under the Act of 1851, *ib.* 828, 829.

Witness once more urges upon the Committee the expediency of a prompt and complete separation of the interests of the Crown and of the commoners, *Hon. J. K. Howard* 879.

Employment of witness for the Crown in connection with the disafforestation of Hainault, Wychwood, Woolmer, and other forests; large proportion of the area allotted to the Crown in each of these cases, *Clutton* 1171-1173, 1189, 1320—Very little value of the New Forest either to the Crown or commoners under the present system of conflicting rights, as compared with the value to each if there were a severance of rights and an allotment in compensation thereof, *ib.* 1181, 1186-1191, 1209, 1211, 1215, 1217, 1219, 1318.

Expediency of a separation of rights in the first instance, it being subsequently determined by Parliament what form the allotment to the Crown shall take, *Clutton* 1189-1191, 1211, 1214-1219, 1285-1287, 1318, 1321—Twofold benefit to the commoners by disafforestation; question considered hereon as to the alteration to be made thereby on the score of right of pasture, *ib.* 1220-1232.

2. Objections to Disafforestation; Injury thereby to the Commoners and to the Public at large:

Conclusion, based upon Mr. Howard's Bill of 1871, that if the forest be partitioned it will be converted sooner or later into private property and will cease to exist as a forest, *Jenkinson* 1451-1453—Explanation as regards certain statements in a pamphlet by witness in favour of a partition of the forest, that he was merely setting forth the views of a friend, *ib.* 1508-1513—Conclusion that partition would result, sooner or later, in the destruction and dismemberment of the forest, *ib.* 1512.

Effect of disafforestation in destroying the independence, and leading to the disappearance, of the small freeholders and commoners, *Jenkinson* 1524, 1525; *Stead* 1561, 1565, 1566; *Esdaile* 1983, 1934; *Compton* 2886-2890, 2926-2930—With regard to witness' pamphlet of 1871, it was written before the Bill of that year was made public, *Jenkinson* 1532-1534.

Absence of any ground of comparison between the circumstances of the New Forest and of Dean, Woolmer, or other forests, as regards the question of disafforestation, *Esdaile* 1660, 1661—Natural alarm of the commoners when Mr. Howard in his report of 1867 recommended disafforestation, *ib.* 1777, 1778—Strong deprecation of any allotment; destruction thereby of the independence of the forest population, *ib.* 1933, 1934.

Opinion expressed by witness in 1868, and still adhered to, that a complete partition of rights would be better than a continuance of the action taken under the statute of 1851, *Esdaile* 2185, 2186—He was, and is, however, strongly opposed to a general inclosure, and submits that the Act should be amended in equity to the commoners, *ib.* 2185-2190—Further deprecation of actual severance as sure to result in a general inclosure and allotment, *ib.* 2300.

Opinion strongly opposed to a severance by Act of Parliament of the common rights from the Crown rights, *Squarey* 2336-2339—Very inadequate compensation to the commoners if the 11,000 acres now inclosed, together with the 8,387 acres thrown open, and the 5,000 acres of ancient woods, were allotted to the Crown free of common rights, and if the balance of 38,570 acres were allotted to the commoners, *ib.* 2468-2470, 2473-2476.

Explanation as regards the large proportionate value allotted to the Crown under the Wychwood and Whittlebury inclosures, that there is no analogy between these cases and that of the New Forest, *Woolley* 2680-2689.

Obstacle to any real compensation of the commoners in the event of a general inclosure, *Lovel* 2701, 2753-2755, 2817, 2818; *Compton* 3005-3012—Decided objection

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DISAFFORESTATION AND ALLOTMENT—continued.**2. Objections to Disafforestation; Injury thereby, &c.—continued.**

to any severance of rights whereby the Crown would have an allotment to deal with as it pleased; the sure result would be to mar and spoil the beauty of the forest, *Lovell* 2860-2864.

Apprehension lest, in the event of a severance, the commoners would greatly suffer, the proportion of total value claimed by the Crown being unduly large, *Compton* 3018-3023.

Opinion that the public would not be compensated by disafforestation, even though the present revenue were thereby increased tenfold, *Fawcett* 3558. 3570-3572. 3599.

3. Expediency of due Protection of the Crown's Rights in the event of ultimate Partition:

In the undesirable event of a partition of the forest nothing should be given up out of the just rights of the public and the Crown, *Jenkinson* 1406-1414. 1517, 1518—Necessity of a competent legal tribunal if the forest is to be dealt with by way of partition, *ib.* 1414.

See also *Bere Woods. Epping Forest. Whittlebury Forest. Woolmer Forest. Wychwood Forest.*

Dis-inclosures. Circumstances under which 4,051 acres were thrown out in the spring of 1851; no inclosures made under the Act of Will. 3, or the Act of 1851 having since been thrown out, *Watson* 47-49—Statement showing the dates of various inclosures and the dates of dis-inclosures; no inclosure since the Act of 1851 having been thrown out, *ib.* 73, 74.

Total of 8,387 acres thrown open which had been inclosed, the ancient woodlands being about 5,000 acres, *Squarey* 2412-2415—Belief that of the existing inclosures known to witness none can be thrown open for the next twenty-five or thirty years, *ib.* 2416-2419. 2424—Very little area under inclosure, so far as witness' valuation went, that can be thrown out for some years to come, *Pink* 2420-2423.

See also *Pannage. Pasture.*

Doomsday Book. Witness has searched the "Doomsday Book," but cannot trace the existence of any rights of common over the lands thrown into the forest by William the Conqueror, *Watson* 16.

Drains and Drainage. Informations relative to the deep and wide drains by which some of the inclosures are intersected; exceptional instances of cattle having been lost in the drains, *Cumberbatch* 1030-1034—Great deterioration of the land thrown open after inclosure by reason of the numerous drains and ditches; suggestion that these be filled up with faggots and covered over before being restored by the Crown, *Jenkinson* 1403. 1422-1425. 1458.

Approval generally of the course pursued in draining the new plantations by means of open drains, *Squarey* 2329-2331—Comments in report by Mr. Pink and witness upon the use of pipe drains in some places instead of open drains, *ib.* 2350—Importance of deep arterial drainage as a means of improving the bog land in the forest, *ib.* 2497-2499.

Immense obstruction by the ditches when the inclosures are thrown out, *Lovell* 2822-2826—Room for greatly improving the waste by drainage, *Compton* 2970-2972.

See also *Southampton and Dorchester Railway.*

Drift of the Forest. Circumstance of the verderers having in February 1852 ordered a drift of the forest on the understanding that the Act of 1851 had made no alteration as regards fence month and winter heyning, *Watson* 74, 75. 79-81.

Statement as to the verderers having been disallowed the use of the forest officers in 1853, in making a drift of the forest, no drift having since been made, *Esdaile* 1757-1791.

Check as regards the number of cattle, ponies, and pigs turned out, there being a drift every year without any notice to the commoners, *Smith* 3533-3536.

Reference to a letter from Mr. Cumberbatch, in January 1866, as explaining why a projected drift of the forest did not take place, *Watson* 3724.

See also *Fence Month and Winter Heyning.*

Driftways. Explanation on the subject of driftways between inclosures, and the question of the public right to use them as highways, *Cumberbatch* 914-919.

Dunning, Mark. (Analysis of his Evidence.)—Is a freeholder, owning ten acres of land at Bartley, and occupying thirty-eight acres altogether; is in his seventy-ninth year, and has lived in the forest all his life (save one year), 3129-3134—Occupation of the same land

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Dunning, Mark. (Analysis of his Evidence.)—continued.

land by witness' father; extensive exercise of common rights by him, 3135-3141—Much less value of the pasturage in former years, before certain inclosures were made, 3142-3153. 3166-3180—Considerable value of witness' right of turbary; objection to the substitution of wood fuel, 3154-3159. 3181, 3182. 3192-3198.

Very little use of the thrown-out inclosures, save as shelter for the cattle; reference especially to Furzy Lawn, Church-place, and Brochis-hill inclosures, 3160-3162. 3177-3180. 3187-3191. 3201-3203—Importance to witness of the right of pannage; usefulness of the thrown-out inclosures on this score, 3163-3165. 3179. 3202—Great loss to witness if unable to buy fern and brambles for littering his cattle, 3183-3186—Direct road formerly through Buskett's Lawn, now cut off by inclosure, 3199, 3200.

K.

Egerton, William. (Analysis of his Evidence.)—Occupation by witness of a farm of 120 acres at Cadnam, and exercise by him of forestal rights for about twenty-five years, 3041-3046—Great value formerly of the right of turning out cattle in the forest, whereas in consequence of Shave Green and other inclosures in recent years all the good pasturage near witness' farm is gone, and he no longer finds it any use to turn out, 3047-3055. 3076-3108. 3122-3128—Importance of the power of turning out in the case of labourers and small commoners; impracticability of any adequate compensation of this class in the event of disafforestation, 3056-3067.

Practice of turning out in the winter, but not for the purpose of pasture, 3068-3071—Little, if any, use of the thrown-out inclosures on the score of pasturage, though the pannage is useful, 3072-3075. 3116-3121—Much better pannage in some years than others, this right being largely exercised, 3109-3115—Circumstance of witness not having asked for any reduction of his rent since the diminished value of the right of pasture, 3122-3128.

Employment. Very large population (20,000 and upwards) living within the forest; great importance to these people of the employment in inclosing and fencing, and great loss to them through the suspension of inclosures since 1871, *Cumberbatch* 1157, 1158. 1161-1163.

Grounds for dissenting from the statement that the suspension since 1871 of the power of inclosure has been very prejudicial on the score of local employment, *Jenkinson* 1405.

Encroachments. Resolution of the Committee that the verderer's court be empowered to appoint officers for the prevention of encroachments, *Rep.* iii.

Entomologists. Petitions from entomologists and others, praying for the preservation of the forest, *Fawcett* 3557; *Eyre* 3647.

Epping Forest. Respects in which the case now under consideration is altogether different from that of Epping Forest, the Crown not having been the owner of the soil in the latter case, *Watson* 14—The Crown rights of forest had to a great extent fallen into desuetude, *ib.*—The rights of common in private persons were successfully asserted and declared, *ib.*—Information relative to certain legal proceedings, and consequent judgments, in reference to rights of common of a forestal character, *ib.* 16—Opinion as to the public having had no legal rights in Epping Forest, *Clutton* 1343. 1375-1378.

Important distinction between the New Forest and Epping Forest as regards the question of exercise of forestal rights; in the latter case the soil was not in the Crown, *Esdaile* 2216-2221.

Esdaile, William Clement Drake. (Analysis of his Evidence.)—Has lived in the New Forest since 1851, is a magistrate of the county, and has been secretary to the New Forest Association since its formation in 1867; 1644-1647—Origin of the formation of the association; it comprises almost all the small and large landowners who have interests in the forest as commoners, 1648, 1649—Ruin to the small commoners if their rights were extinguished or bought up, 1648.

Very few points upon which there is dispute as to the interpretation of the Acts of Parliament relating to the forest, 1650—Power of the Crown previously to the Act of 1851 to put forest laws in force by which the full exercise of common rights might be abridged, 1651—Right formerly of the commoners to have their cattle in the forest during fence month until the Crown exercised its power of removing them, which it never did, *ib.*—Reference to the power of planting under the Act of William the Third as a power to be exercised only for national purposes, *ib.*—Belief that fence month applied to the passage of people through the forest, as well as of cattle, 1652.

Esdaile, William Clement Drake. (Analysis of his Evidence)—continued.

Importance attached to certain evidence of Mr. Clutton and Mr. Milne before the Select Committee of the House of Commons in 1848 and 1849; considerable value placed by both these authorities upon the commoners' rights, 1653-1677-1685—Conclusion that the main question for the present Committee to determine is whether, and to what extent, the relative rights and interests of the Crown and the commoners as they existed in 1850 have been altered by the Act of 1851 to the prejudice of either, 1654, 1655-1698.

Remarkable coincidence between the claims made in 1670 and the claims in 1854 as regards the area over which common rights applied; present total of 26,000 acres, within the limits of the forest, with such rights, 1656, 1657—Statement that until 1867 forestal laws or rights were never claimed over a very large area of the forest, 1658, 1659—Absence of any ground of comparison between the circumstances of the New Forest and of Dean, Woolmer, or other forests as regards the question of disafforestation, 1660, 1661.

Effect of certain sections in the Act of William the Third as regards fence month and winter heyning, 1662, 1663—Prohibition by this Act of grants of waste land, 1662—Omission from the Bill of 1851, as first brought in, of the words "can best be separated from the commons and highways," such words having been repeated in all previous Acts since 1698; 1663, 1664—Lapse of twenty-two years before the total of 6,000 acres could be enclosed under the Act of 1698; alteration in this respect by an Act in 1810 or 1812; 1665-1667.

Full and important report by the Commission of 1789 relative to the rights of the Crown and the commoners and the modes of dealing with each, 1668, 1669—Chief provisions of a Bill introduced in 1792, but not passed; new language employed upon the question of a *toties quoties* power of inclosure, 1670-1672—Comment upon the power taken by the Crown in an Act of 1799 to grow hay in the forest for the deer in winter, 1673—Wretched state of the deer in 1848, too many having been kept; death of 300 in one year, 1674.

Power taken by the Crown in one of its Acts to remove the prohibition upon sales of waste, 1675—Absence of allusion to fence month in the Act 59 Geo. 3. relating to winter heyning; belief that the term fence month was not known in the forest till 1851; 1676, 1688, 1689—Reference to a certain Report of 1850 as having been the report of the then solicitor to the Woods and Forests, 1686—Summary of the powers and rights of the Crown and commoners respectively at the time of the introduction of the Bill of 1851; 1687-1689—Sundry recommendations in a Draft Report in 1849, the Bill of 1851 having been partly founded thereupon, 1690, 1691.

Reference to a certain tabular statement of the inclosures under the Act of 1698; total of about 12,000 acres in 150 years, 1692, 1693—Valuation of the forest land by Mr. Clutton in 1849, the land being divided into three classes, 1694-1697—Object of the petition before the Committee to lead to the removal of the injustice done by the Act of 1851 in prejudicing the previous position of the commoners relatively to that of the Crown, 1698, 1699—Total of about 1,200 petitions against the Act of 1851 and its operation, 1670.

Important and extensive additions to the Bill of 1851 before it became law, 1701—Comment upon the explanation given by Mr. Gardiner of a statement by him that the Bill of 1851 would leave the forest in the Crown simply as lord of the manor, 1702—Good grounds of the commoners in 1851 for concluding that with the removal of the deer all forest rights should cease, 1703, 1704, 1706, 1711—Impossibility of ascertaining the common rights when the Act of 1851 was passed, 1704, 1705.

Approval of the preservation of some of the forest laws not connected with the deer; such as the verderers' court, 1707-1710—Alarm of the commoners in 1852 on finding that fence month was for the first time to be enforced; notice to this effect in August of that year, 1711-1717—Important distinction between winter heyning and fence month in that it was never attempted to enforce the latter, 1714, 1717.

[Second Examination.]—Comments upon certain evidence of Mr. Clutton in 1849 as being entirely opposed to statements by him before the present Committee, 1718, 1729—Grounds for the conclusion that Mr. Clutton and Mr. Gardiner were in close communication as to the proposal in the Bill of 1851 that the Crown should inclose 14,000 acres; computation by the former, according to which such inclosure would represent half the value of the forest, 1719, 1726-1739—Large margin outside the forest, in addition to the land within the forest, over which the rights of common extend, 1740-1725.

Reference to Mr. Clutton as having appeared before Committees always on the side of the Crown, and as being practically the Government surveyor in reference to the forests, 1726, 1744, 1745—Different views expressed by Mr. Clutton at different times as to the value of the rights of the Crown in the New Forest; much larger value placed by him on the rights of common in 1849 than in 1875; 1729, 1737, 1738, 1742, 1743—

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Esdaile, William Clement Drake. (Analysis of his Evidence)—continued.

Entire inadequacy of an allotment of 15,000 acres as compensation to the commoners for rights of pasture, &c., over 65,000 acres, 1739. 1746—Impracticability of setting out the proposed 15,000 acres in blocks near the populations; 1739-1741. 1746.

Comment upon the policy laid down on the part of the Crown after the Act of 1851 to the effect that the power of inclosure should be used as a means of diminishing the commoners' rights, 1747. 1755—Entire inaccuracy of a statement before the New Forest Inclosure Commission in 1854 that in 1670 there were only 5,000 acres of private land in the forest claiming common, and that proprietors in the forest had since robbed the Crown of 20,000 acres, 1748-1751—Erroneous statement also as to there having been a power in the Crown to sell up to 1,000 acres at a time, 1748. 1754.

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Appointment of witness as one of the New Forest Inclosure Commissioners in 1866; 1791, 1792—Settlement of the sites of new inclosures by the Office of Woods before they are laid before the Inclosure Commissioners, 1792—Enlarged powers of the Commissioners of the forest under the Act of William the Third, as compared with the powers of the Commissioners under the Deer Removal Act, 1792-1795—Directions given in 1851 for the inclosure of 4,051 acres, under the Act of William the Third, concurrently with the powers sought in the Bill of that year for inclosing 14,000 acres; this had nothing to do with the reduction of the area to 10,000 acres, 1796-1804.

First meeting of the Inclosure Commissioners, under the Act of 1851, in September 1855, and further meeting in November; several inclosures passed at each meeting, and subsequently carried out, 1804-1810—Lapse of eleven years, or till March 1866, before another meeting was held; total of 7,650 acres comprised in the inclosures then passed (which included Burley Rocks) without any objection having been raised, 1811-1819—Conclusion as to the commoners not having been properly represented on the Commission at the meeting in March 1866; 1815-1820.

Reference to the Deer Removal Act as showing that it was the duty of the Inclosure Commission rather than of the Office of Woods to select and set out the inclosures, 1820—Further meeting of the Commission in October 1866, witness, who was unable to attend, having asked in vain for an adjournment; Burley Rocks Inclosure was, however, kindly waived by Mr. Howard, 1821—Presence of witness at the next meeting, in June 1867; opposition then made successfully on the part of the commoners to many of the proposed inclosures, 1821-1823.

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1844-1846—Resolution of the Commission in August 1870, that it was their duty to make inclosures and to direct at what spots gates should be placed; protest by Mr. Howard against this resolution, 1847.

Final meeting of the Commission on the 14th September 1870; resolution then passed not to sanction the full acreage under the Act of 1851, until it was decided whether an excess of 2,500 acres had been inclosed under the Act of William the Third, 1848.

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Exceptions further taken to the views of Mr. Clutton at different times as to the value of the land and forestal rights; great excess of compensation for these rights if the Crown had obtained an inclosure of 14,000 acres, 1894-1898. 2005-2007—Great increase of rabbits in the forests, whilst there has been a decrease of game generally, 1899—Much more extensive shooting since the substitution of the 20 *l.* license for the 1 *l.* license, 1900, 1901—Complaint that excessive powers were given by the Act of 1851, and not that the Commissioners of Woods have exceeded their power, 1908-1912. 1946, 1947.

Further complaint as to the policy of selecting the best land for inclosures, 1910, 1911. 1914, 1915. 1942-1944—Claim of the commoners to a share in the unexpended balance of the money received from the railway company, 1913—Circumstance of the petitions before the present Committee representing, practically, the whole body of commoners in the forest, 1916-1918.

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Strong deprecation of any allotment; destruction thereby of the independence of the forest population, 1933, 1934—Warm repudiation of certain imputations recently cast by Mr. Clutton upon the character of the population; very different opinion held by him in 1849; 1935-1938—Admission that the Inclosure Commissioners have been fair nominations by the Crown; expediency, however, of their being otherwise appointed, 1939-1941—Respects in which the alterations in regard to shooting licenses are at variance with the spirit of the Deer Removal Act, 1948-1950—Position of a *quasi* lord of the manor in which the Crown was left by the Act of 1851; 1949, 1950. 2001-2004.

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FENCE MONTH, AND WINTER HEYNING:

1. *Representations and Claims on the part of the Crown on the Score of Fence Month and Winter Heyning.*
2. *Evidence at variance with the foregoing Conclusions.*
3. *Recommendations by the Committee.*

1. *Representations and Claims on the part of the Crown on the Score of Fence Month and Winter Heyning:*

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FENCE MONTH, AND WINTER HEYNING—continued.

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11. *Suggestion for a Limitation of the Power of Inclosure, &c.*—continued.

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K.

King's Garn Gutter. Information relative to this inclosure, and the circumstances under which old timber at Burnt Furzen was cut down, *Cumberbatch* 1081, 1082—Good pasturage in part of King's Garn Gutter and Highland Water Inclosures, *Chater* 3452-3454—Objection to the inclosure of King's Garn Gutter as having stopped up a road from Ringwood to Brook, thus reducing also the available pasture by some twenty acres, *ib.* 3462-3467.

Kitcher David. (Analysis of his Evidence.)—Considerable value to witness of the turf rights attached to his small holding near Beaulieu; advantage of turf as compared with wood fuel, 3318-3320. 3346-3351. 3357-3366—Importance to witness' father, who is a small freeholder, of the right of turning out in the forest, 3321-3334—Injurious effect of Moon Hills Inclosure as regards the rights of pasture near Beaulieu, 3335-3344

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Kitcher, David. (Analysis of his Evidence)—continued.

3344—Varying value of the right of pannage, 3345—Several pannage grounds in witness' neighbourhood, 3350-3352—Very little pasture near Beaulieu if Frame Wood had been inclosed, 3355, 3356.

Knight Wood. Beautiful clumps of old wood left in this inclosure; poor soil in part of the inclosure, *Cumberbatch* 927. 932. 1055-1057—Very little timber cut in Knight Wood Inclosure, *Jenkinson* 1392, 1393—Exceptional instance of good management in the care of Knight Wood, *Lovell* 2718.

L.

Larch. Entire failure of attempts to grow larch in the forest, *Cumberbatch* 986-989.

Lawns. Large quantities of lawns have been inclosed for plantation, *Squarey* 2378.

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Lodges. Deprecation of lodges, in addition to fences, for regulating public access to the ancient woods, *Lovell* 2796-2798—Additional rental of Crown lodges in the forest by reason of the forest rights, *Seager* 3419-3421.

Lovell, Francis F. (Analysis of his Evidence.)—Residence of witness near Brockenhurst; his land is mentioned in Domesday Book, and he exercises forestal rights in respect of it, 2695-2698—Gradual reduction of the rights of pasturage almost to nothing if the Deer Removal Act be fully carried out, 2996-2701. 2753-2758—Obstacle to any real compensation of the commoners in the event of a general inclosure, 2701. 2753-2755-2817, 2818—Numerous inclosures since 1847, the land inclosed having been, as a rule, cut "smack smooth" before planting; exceptional instances of clumps of old trees having been left standing, 2702-2718. 2840-2843—Exceptional instance of good management in the case of Knight Wood, 2718.

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Suggestions for the renovation of the old woods, both naturally and artificially, irrespective of fences; instances of planted trees thriving admirably without being enclosed, 2732-2739. 2763. 2850-2853—Great importance of the fern being left standing; comments upon the course pursued in selling it for profit, 2739-2746. 2813, 2814—Doubt as to mice interfering much with self-sown trees, 2746, 2747—Opinion that cattle are necessary with a view to the ornamental character of the old woods, 2748, 2749—Very little value of the pasture in the thrown-out plantations 2750, 2751. 2784—Valueless character of the undergrowth, 2752.

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Expediency of an entirely different management of the forest, 2777. 2844—Very insufficient powers of the Verderer's Court, 2778. 2800, 2801. 2810—Value doubtless of the fern to the inhabitants of the forest, 2779-2782—Very little damage by the cattle in the winter time, 2783—Good done by the deer to the pasture in the open forest, 2785—Commencement of an entirely new management in 1849, greatly to the injury of the beauty of the forest, though much valuable timber has doubtless been planted, 2786-2791. 2815, 2816—Objection of witness to part with his common rights for any compensation, 2792-2795.

Deprecation of lodges, in addition to fences, for regulating public access to the ancient woods, 2796-2798—Very orderly character of the forest population, 2803, 2804—Value of the rights of common in improving the position of the small commoners as labourers, 2805-2809—Laxity of regulations as to the number of cattle turned into the

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the forest, 2810, 2811—Belief as to fence month having never been enforced, 2819-2821.

Immense obstruction by the ditches and drains when the inclosures are thrown out, 2822-2826—Strong complaint relative to the stopping up of numerous tracks and rights of way through the forest, as a consequence of the inclosures, 2827—Great inconvenience by reason of the gates being frequently locked, 2828-2832—Heavy expense to local owners in maintaining roads used largely by the Crown, 2833.

Witness further urges the obligation, on national grounds, of preserving the forest, or at least so much of it as has not been already disfigured by the Crown officials, 2834—Undue power of Mr. Howard as to the constitution of the Forest Commission, 2835—Statement showing that down to the year 1866 inclosures were set out and sanctioned without any notice or intimation to the local commoners interested; publicity subsequently, 2836-2839—Belief as to Denny Wood having been left standing owing to the Resolution of the House of Commons, 2841. 2843.

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M.

Malmesbury, Earl of. Statement purporting to show that Lord Malmesbury did not interpret the Act of 1851 as abolishing fence month and winter heyning, *Watson* 3716-3721. 3764.

Management. Expediency of an entirely different management of the forest, *Esdaile* 1925-1928; *Lovell* 2786-2791. 2844—Approval of a separation between the commoners and the Office of Woods, and of the substitution of the Board of Works for the latter department, *Esdaile* 1929-1932.

Explanation that in seeking an alliance with the Board of Works, in lieu of the Office of Woods, witness does not contemplate the forest being managed more with a view to profit or to local expenditure; all he demands is a preservation of the common rights in their integrity, *Esdaile* 1985-2000. 2026-2029.

Further statement that in suggesting a transfer of the forest to the Board of Works, witness does not look for any expenditure to the benefit of the commoners; precedent for such transfer in the case of Hainault, *Esdaile* 2119-2121.

Grounds for objecting on public grounds to a transfer of the management of the forest to the office of Works, *Watson* 3729, 3730.

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Map of the Forest. Map of the forest showing the inclosures under the different Acts, the inclosures thrown open, the estimated dates of further disincllosures, and any proposed or provisionally approved inclosures up to 15th April 1875, *App.* 276.

Mark Ash. Great injury being done by the commoners' cattle to the timber at Mark Ash, a most beautiful part of the forest, *Hon. J. K. Howard* 446—Statement as to there being no intention of cutting down the old trees in Mark Ash, *ib.* 676-685—Sanction of about 7,000 acres of inclosure in March 1866, Mark Ash having been then proposed for inclosure but subsequently rejected, *Cumberbatch* 1088-1095—Grounds for the opinion that fifty years hence the trees in Mark Ash will not exist, *Clutton* 1181. 1325-1335.

Comment upon the attempt on the part of the Crown to get hold of Mark Ash with a view to its inclosure, *Jenkinson* 1401—Entire absence of pasture; the pannage however is valuable, *Esdaile* 2148. 2157. 2203-2208—Belief that Mark Ash would be equally beautiful 150 years hence by self-renewal and without inclosure, *ib.* 2291, 2292.

Mice. Failure of former attempts to sow the plantations with acorns; wholesale destruction by mice, *Cumberbatch* 946-948—Great mischief still done by mice where acorns are sown, *ib.* 1004-1007—Grounds for concluding that the mice would not destroy the acorns in the natural woods if inclosed temporarily, *ib.* 1164—Doubt as to mice interfering much with self-sown trees, *Lovell* 2746, 2747.

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Military Training Ground. Doubt as to the forest flies interfering with the use of the forest as a military training ground, *Jenkins* 1431.

Minestead Manor. Great diminution in the value of the rights of pasture near Minestead manor, if certain projected inclosures were carried out, *Compton* 3000.

Moon Hills Inclosure. Injurious effect of Moon Hills Inclosure as regards the rights of pasture near Beaulieu, *Kitcher* 3335-3344.

N.

National Interests. See *Public, The*.

Natural Timber. See *Old Woods, &c.*

Naturalists. See *Goss, H.* *Sharpe, R.* *Bowdler.* *Wonfor, T. W.*

Navy Timber. See *Inclosures and Plantations.* *Oak Plantations.* *Old Woods, &c. Timber.*

New Forest Association. Origin of the formation of the Association, in 1867; it comprises almost all the small and large landowners who have interests in the forest as commoners, *Esdaile* 1648, 1649—Formation of the Association owing to the attempted legislation as to shooting, and the large inclosures being formed, *ib.* 1771—Statement as to the Association not having carried to an issue disputed questions as to rights of way, *Lovell* 2865-2869.

New Forest Inclosure Commission. See *Inclosures and Plantations, 8.*

Northend Farm. Diminished value of the rights of pasture in respect of Northend Farm, near Ringwood, on account of the Crown inclosures, *Thomas* 3216-3229. 3248, 3249.

O.

Oak Plantations. Special importance attached to the oak plantations, their value in course of years being probably very great, *Hon. J. K. Howard* 659, 660—Strong doubts of witness as to the success of the young oak plantations; unsuitableness of many parts of the forest for oak, *Jenkinson* 1404. 1428.

See also *Inclosures and Plantations.* *Old Woods, &c. Timber.*

Oakley Inclosure. Excellence of the land forming Oakley Inclosure, this having been made under the Act of William the Third, *Esdaile* 1887. 1915.

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OLD WOODS AND ORNAMENTAL TIMBER:

1. *Total Acreage of Old Woodland.*
2. *Extent to which Old and Beautiful Trees have been cut down or Inclosed.*
3. *Expediency of preserving the Old Timber as enhancing the Value of the Land.*
4. *Question of Inclosing the Old and Natural Woodlands, with a view to self-renewal or Artificial Planting.*
5. *Natural Beauty of the Old Woods, as compared with the Plantations.*
6. *Conclusion of the Committee as to the expediency of preserving the Ancient Woodlands.*

1. *Total Acreage of Old Woodland:*

Estimate of about 5,000 acres as the area covered by old natural timber, *Cumberbatch* 955. 966; *Squarey* 2364.

2. *Extent to which Old and Beautiful Trees have been cut down or Inclosed:*

Reputation by witness of the charge that he has felled large quantities of fine old timber of an ornamental kind, *Hon. J. K. Howard* 279-294—Evidence as to various inclosures of timber, and as to the extent to which in such inclosures a lot of timber has been felled; witness repeats that since his tenure of office there has been no abuse on this score, *ib.* 445-469—Instances of beautiful clumps left by witness for purposes of ornamentation and renovation of the forest, *ib.* 448, 449. 451-453.

Amount of discretion in the department upon the question of cutting down the old timber in the inclosures under the Act of 1851; impression that there is hardly an inclosure

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2. *Extent to which Old and Beautiful Trees have been cut down or Inclosed—contd.*

inclosure where the old timber has not been left, *Hon. J. K. Howard* 681-702—Reluctance of witness to offer any opinion upon the question of his being restricted by Act from cutting down the ancient timber, *ib.* 723-725.

Several instances of clumps of old trees being left in inclosures; complete woods also left standing in some cases, *Cumberbatch* 927. 932-942—Denial that old and beautiful timber has been largely cleared away in various inclosures since witness has been deputy surveyor; explanation of the extent to which removal has gone in some instances, *ib.* 1076-1082—Limited extent to which any old woods were included in a list of nine inclosures sanctioned in June 1870, *ib.* 1086, 1087.

Ancient and beautiful trees some years ago opposite Stoney Cross, all of which were felled, *Jenkinson* 1394—Clearance of some 4,000 acres within witness' knowledge, much of which should have been preserved, *ib.* 1395. 1421.

Great injury being done, or already done, to the natural beauty of the forest, which never could have been intended by the Legislature, *Esdaile* 2158—Very recent change in the policy of the department in advising that the old woods should be permitted to renew themselves, *ib.* 2290—Natural and beautiful woodlands included in some of the inclosures, *Squarey* 2350.

Numerous inclosures since 1847, the land inclosed having been, as a rule, cut "smack smooth," before planting; exceptional instances of clumps of old trees having been left standing, *Lovell* 2702-2718. 2840-2843—Removal of large quantities of old timber in witness' time, fir trees having been planted instead, *Compton* 2911, 2912.

3. *Expediency of preserving the Old Timber as enhancing the Value of the Land:*

Due consideration by witness of the interests of the reversioner, inasmuch as he does not cut down the ancient and ornamental timber, *Hon. J. K. Howard* 328-330—Greater value of the old natural timber standing than cut, *Cumberbatch* 1083.

Depreciation in any case of a removal of the ornamental timber; greatly enhanced value of the land owing to the old woods, *Clutton* 1181. 1183-1185. 1286. 2100—Deterioration in the market value of the land by the process of planting, and by the diminution of the ancient woods, *Esdaile* 2041-2044.

4. *Question of Inclosing the Old and Natural Woodlands, with a view to self-renewal or Artificial Planting:*

Evidence in support of the opinion that many of the old natural woods should be temporarily inclosed, in order that a succession of young and self-sown trees might grow up in them, *Cumberbatch* 923-931. 943. 944. 956. 966-971—Limited prejudice to the commoners by a gradual or partial inclosure of the old woods; compensation by reducing the right of inclosure otherwise, *ib.* 966-971—Advantage of a right to inclose much less than 300 acres when it is intended to renew an old wood, *ib.* 1127-1130.

Examination in support of the conclusion that the old woods will not renew themselves, and that planting is essential, *Clutton* 1181. 1248-1268. 1273-1278—Failure of young trees if planted under old timber, *ib.* 1181—Approval of fences round some of the old oaks, with a view to self-sown timber; that is, as an experiment, *Jenkinson* 1429, 1430. 1450. 1462, 1463.

Decided objection on æsthetic grounds to cutting up the forest, and to putting the old woods into inclosures, *Esdaile* 1981—Belief that Mark Ash, and other old woods, would be equally beautiful 150 years hence, merely by self-renewal and without inclosure, *ib.* 2291, 2292.

Belief that the old woods in the New Forest would renovate themselves notwithstanding the presence of cattle and ponies, *Squarey* 2334, 2335—Conclusion that where the fern and brambles are not cut the old woods will naturally renew themselves, notwithstanding the presence of cattle, *ib.* 2454-2462. 2514. 2516-2518.

Objection to an inclosure of groups of old trees with a view to natural re-production, *Woolley* 2653-2655—Several grounds for strongly objecting to fences round any portions of the old woods; great expense necessary, whilst the beauty of the forest would be destroyed, *Lovell* 2727-2732. 2851-2853—Suggestions for the renovation of the old woods, both naturally and artificially, irrespectively of fences; instances of planted trees thriving admirably without being inclosed, *ib.* 2732-2763. 2763. 2850-2853—Objection to the power of making inclosures in the old woods, whether exercised by the Crown or by a commission, *ib.* 2761, 2762—Very sound and hale condition of the old woods; recent testimony to this effect on the part of a chief inspector of the imperial forests in Prussia, *Eyre* 3631, 3632.

5. *Natural Beauty of the Old Woods, as compared with the Plantations:*

Beauty of the old woods as planted by the hand of nature; doubt as to the aid of cattle being desirable so as to produce irregularity of outline, *Cumberbatch* 1121-1126—

Beneficial

Report, 1875—continued.

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5. *Natural Beauty of the Old Woods, as compared with the Plantations*—continued.

Beneficial effect of the feeding of cattle as adding to the park-like character of the New Forest, *Esdaile* 1982-1984; *Pink* 2534, 2535; *Woolley* 2641-2646; *Lovell* 2748 2749; *Eyre* 3619, 3630, 3631, 3634-3639—Beauty of the ancient woods owing very much to their growing in groups, and to the action of the commoners' cattle, *Squarey* 2453, 2463, 2610, 2611.

Hideous effect of the inclosures and plantations as compared with the great beauty of the old woods and natural timber, *Lovell* 2712-2721—Immense inferiority of the plantations to the natural woods and open heaths, on the score of beauty, *Fawcett* 3547, 3564, 3567, 3585, 3586.

Result of witness' experience of forests in various parts of the world, that there is nothing like the old woods, open heaths, and natural timber of the New Forest, *Eyre* 3613-3621, 3633, 3683, 3688—Individuality of the trees in the old woods, no two trees being alike, *ib.* 3620, 3621—Very unpicturesque character of the plantations as compared with the natural woods, *ib.* 3620, 3622-3624.

6. *Conclusion of the Committee as to the expediency of preserving the Ancient Woodlands:*

Resolution of the Committee that the ancient ornamental woods shall be carefully preserved, and the character of the scenery maintained, *Rep.* iii.

See also *Artists. Beauty of the Forest. Cattle and Ponies. Denny Wood. Inclosures and Plantations. Knight Wood. Mark Ash. Pasture. Rinefield, Old, Self-renewal. Timber.*

Open Spaces. Witness submits that the inclosure of all waste lands and open spaces, as a means of adding to the food of the people, is no adequate compensation whatever for the public disadvantage of such inclosure on the score of health, recreation, &c., *Fawcett* 3543, 3544—Increasing importance of the preservation of open spaces in England; less necessity in Wales or Scotland, *ib.* 3560-3585.

Ornamental Timber. See *Old Woods, &c.*

P.

Pannage. Reference to the exercise of pannage as being a right, rather than a privilege, since the Act of 1851, *Watson* 23—Very little detriment as regards the right of pasture by putting fences round the land covered with wood; considerable value on the other hand of the pannage, *Esdaile* 2054, 2199-2210—Considerable loss to the commoner if the pannage in the woods had to be given up; means of meeting this difficulty, *Squarey* 2395-2399—Absence of pannage in the young plantations; limited value of the pannage in the inclosures which have been thrown open, *ib.* 2466, 2467.

Any number of pigs may be turned into the forest, *Lovell* 2812—Importance of the pannage right, especially in years when acorns are plentiful, *Egerton* 3109-3115; *Thomas* 3236-3239; *Kitcher* 3345—Considerable value to witness of the right of pannage; usefulness of the thrown-out inclosures on this score, *Dunning* 3163-3165, 3179, 3202—The average value is about 10s. a pig, *Thomas* 3236-3238; *Seager* 3402; *Chater* 3470.

Importance to witness of the right of pannage, *Parnell* 3308-3311—Several pannage grounds in witness' neighbourhood, *Kitcher* 3350-3352—The cottagers have pannage rights although there may be no land with the cottages, *Smith* 3496, 3497, 3509-3512—Custom as to the payment of dues to the Crown in respect of pannage, *ib.* 3528-3532, 3537, 3538.

Farnell, William. (Analysis of his Evidence.)—Considerable value attached to witness' rights of pasture in respect of some land occupied by him at Fritham; diminished value since the Crown inclosures, 3288-3307—Importance also to witness of the right of pannage, 3308-3311—Serious injury to him if Anses Wood, near Fritham, be inclosed, 3312-3315—Numerous visitors to the Forest in summer, 3316, 3317.

PASTURE:

Wretched character of the pasture in the forest generally, save within a comparatively small area, *Hon. J. K. Howard* 514-521—Diminution, doubtless, of the good pasture land by the obligation upon the Commissioners to inclose that land which is best suited for the growth of timber, *ib.* 522-529, 551-553—Improving pasturage in the thrown-out inclosures accordingly as the trees and bushes are thinned, *Cumberbatch* 961, 962, 1025-1029—Improvement as regards pasture where heath land after inclosure is thrown open, *Clutton* 1281, 1282.

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PASTURE—continued.

Unfitness of the inclosures which have been thrown open for the use of the cattle, *Jenkinson* 1437-1439. 1458—Time and care necessary before inclosures when thrown open become good for pasture, *ib.* 1492, 1493—Destruction of the pasturage in the thick plantations, rather than in the old woods, *Esdaile* 2293-2295.

Probability of there being not more than from 2,000 to 3,000 acres of good land uninclosed, or not provisionally approved for inclosure, *Squarey* 2363. 2406, 2407—Very little pasture in the planted woods, *ib.* 2394, 2395—Total of about 11,000 acres of plantations from which the cattle of the commoners are now excluded, *ib.* 2408-2411.

Considerable value to the commoners accordingly as the 11,000 acres now inclosed are thrown open, *Squarey* 2441-2447—Valueless character of the herbage in some parts of the old plantations which have been thrown open, *ib.* 2447-2452—Excellent pasturage in parts of the ancient and natural woodlands, *ib.* 2453—Improvement expected in course of time where the inclosures are thrown open, more especially if the trees were limited in number; very little pasture when first thrown open, *ib.* 2473, 2476. 2487-2493. 2578.

Considerable portion of old woodland included in the parts of the forest surveyed by witness; several excellent lawns amongst the woods, *Pink* 2519-2526—Obstacles to deriving good pasture in the inclosures thrown open; difficulty as to thinning the trees for the purpose, *ib.* 2541-2547—Large pasturage available by clearing the land of trees than by planting, *Squarey* 2579.

Very little pasture in the thrown-out inclosures, *Woolley* 2621; *Lovell* 2750, 2751. 2784; *Egerton* 3072-3075. 3116-3121; *Thomas* 3240-3242. 3260—Gradual reduction of the rights of pasturage almost to nothing if the Deer Removal Act be fully carried out, *Lovell* 2699-2701. 2753-2758.

Very little pasture in lands thrown out of inclosure, this being no compensation for the inclosure of open lands; grounds for this conclusion, *Compton* 2933, 2934. 2945-2959. 2977, 2978.

Very little use of the thrown-out inclosures, save as shelter for the cattle; reference especially to Fuzzy Lawn, Church Place, and Brochis Hill inclosures, *Dunning* 3160-3162. 3177-3180. 3187-3191. 3201-3203.

Excellent pasture land, together with some heath land, included in Frame Heath Inclosure; good pasture also in other inclosures in the Beaulieu district, *Seager* 3403-3415. 3425, 3426—Larger exercise of the right of turning out about fifty years ago; less pasture now available, *Chater* 3474-3477.

See also *Cattle and Ponies. Commoners, &c. Deer. Dis-inclosures. Fence Month and Winter Heyning. Inclosures and Plantations. King's Garn Gutter. Rabbits.*

Pennerley Wood. Great injury to witness' pasture rights if certain lawns in Pennerley Wood had been inclosed, as at one time proposed, *Seager* 3433-3436.

Perry Wood. Beautiful clump of old trees left standing in this inclosure, *Cumberbatch* 1079.

Petitions. Four separate complaints in the petition before the Committee relative to the Deer Removal Act; grounds for each complaint considered and questioned, *Watson* 12 *et seq.*

Circumstance of the petitions before the present Committee representing practically the whole body of commoners in the forest, *Esdaile* 1670. 1915-1918—Object of the petition before the Committee to lead to the removal of the injustice done by the Act of 1851, in prejudicing the previous position of the commoners relatively to that of the Crown, *ib.* 1698, 1699—Out of 1,300 commoners, 1,200 have signed the petition, *ib.* 1916-1918.

Important and influential petitions recently presented by witness in favour of the preservation of the forest, *Fawcett* 3553. 3556, 3557.

Petitions from artists, entomologists, and others praying for the preservation of the forest, *Eyre* 3646, 3647—Influential signatures attached to a general petition for the preservation of the forest, *ib.* 3655.

Petition signed by 895 persons entitled to exercise rights of common and other rights and interests in the forest, *App.* 277, 278—Petition signed by 1,278 persons, inhabitants of the town of Southampton and its immediate vicinity, *ib.* 279.

Figs. See *Pannage.*

Pink, Charles. See *Squarey, Elias Pitts, &c.*

Plantations. See *Inclosures and Plantations.*

Ponies. Improved position of the small commoners on account of the great increase in the price of ponies, *Compton* 3004.

See also *Cattle and Ponies. Inclosures and Plantations. Pasture.*

Poorer

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Poorer Classes. Feeling of the poorer classes in favour of preserving open spaces like the New Forest, *Fawcett* 3565.

Prior's Acre Inclosure. Extent of injury to witness and other occupiers by Prior's Acre inclosure, *Chatter* 3447-3451. 3478-3485—Numerous and splendid trees cut down in Prior's Wood, *ib.* 3472, 3473—The pasturage has been much reduced since the inclosure of Prior's Acre, *Smith* 3513-3519. 3540, 3541.

Private Land. Exercise of forestal rights over about 2,000 acres of private land; practice of shooting annually over those lands, so as to maintain the Crown's rights, *Cumberbatch* 1165-1167.

Entire inaccuracy of a statement before the New Forest Inclosure Commission in 1854, that in 1670 there were only 5,000 acres of private land in the forest claiming common, and that proprietors in the forest had since robbed the Crown of 20,000 acres, *Esdaile* 1748-1751—Examination showing that in the claims in 1670 forestal rights were claimed over private lands, *ib.* 2239-2245—Grounds for the conclusion, however, that forestal rights and shooting rights are not exercised over the great bulk of the private property, *ib.* 2241-2256—Circumstance of the Crown paying 5*s.* a year to witness in respect of his land, *ib.* 2246.

The land of witness near Brocken is mentioned in Domesday Book, and he exercises forestal rights in respect of it, *Lovell* 2695-2698—Further reference to the claims in the register of 1670, as showing that private lands were free from forest law, *Esdaile* 3671, 3671.*

See also *Commoners and Common Rights.* *Reports (Commissioners of Woods).*

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Conclusion that the "privileges" of the public in respect of the New Forest are really enjoyed by favour and not as a right, *Watson* 10—Importance of keeping entirely distinct the questions affecting the rights and interests of the public generally, and the rights and interests of commoners in the forest, *ib.* 14.

Perfect liberty of the public at large to roam over the forest, though very few avail themselves of the privilege, *Hon. J. K. Howard* 550. 574-579—Instance of mutilation of a beautiful tree by an artist; illustration therein of the necessity of some check upon the public enjoyment of the forest, *ib.* 550—Right of the general public still to go over 47,000 acres, if the Act of 1851 were fully carried out, *ib.* 669-675—Dissent from the view that the forest, as originally formed for purposes of recreation, should still be preserved on the same ground rather than as a means of providing timber for the navy for the national good, *ib.* 726-740.

Contemplated admission of the public to the old woods if inclosed against cattle, *Cumberbatch* 924—Opinion that in forests such as the New Forest, the Crown and the commoners together could exclude the public, *Clutton* 1343. 1375-1378—Strong complaint by witness, as one of the public, against a continuance of the present conflicting rights as keeping the forest in a disgraceful condition, *ib.* 1244, 1245—Facility of protecting the public interests concurrently with a separation between the Crown and the commoners; it is altogether unnecessary to keep open 65,000 acres for the public, *ib.* 1285-1287. 1315-1317. 1340-1344.

Explanation that in contemplating the cultivation of timber and the setting out of inclosures upon whatever area may be allotted to the Crown, it is not intended and is not necessary to exclude the public, any more than in Richmond Park, *Clutton* 2088-2110.

Vast area of the forest adverted to as an argument in favour of its preservation; that is, in the interests of the public at large, *Jenkinson* 1451. 1454, 1455—Prospect of the forest being much more largely used for purposes of recreation, *ib.* 1459—Small money returns to be derived from the sale of the forest, this being no compensation for the loss, *ib.* 1460, 1461—Explanation that witness in objecting strongly to Mr. Clutton's scheme of partition, does so as one of the public, and submits that it is the duty of Parliament to protect the latter as against the Office of Woods, &c., *ib.* 1496, 1497.

Increasing enjoyment of the forest by the general public, *Stead* 1581-1584—Contemplated preservation of the forest for national and recreative purposes, concurrently with the profitable growth of timber on portion of it, *Esdaile* 2026-2029—Argument as to the right of the general public to go over the tracks and highways in the forest, *ib.* 2038-2040—Interest of the public as well as the commoners in the future of the forest, *ib.* 2158—Expectation that public opinion will now prevent any general inclosure, *ib.* 2183, 2184.

Doubt as to any injury being ever done by the commoners or the public to the ancient woods and other timber, *Squarey* 2514, 2515—Witness urges the obligation on national grounds of preserving the forest, or at least so much of it as has not been already disfigured by the Crown officials, *Lovell* 2834—Great admiration of the public generally

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generally for the forest; large resort in the shape of picnic parties, *Lovell* 2854-2859 — Numerous visitors to the forest in summer, *Parnell* 3316, 3317.

Witness has been long and intimately acquainted with the New Forest, testifies to its unequalled beauty as a national park, and contends, on various grounds, that it should be managed primarily for the enjoyment of the public at large, and that revenue should be a secondary consideration, *Fawcett* 3545 *et seq.* — Increasing value of the forest to the people as the population at large increases, *ib.* 3548. 3581 — Growing appreciation of the forest by the public; much greater resort to it as years go on, *ib.* 3548. 3565. 3581 — Frequent enjoyment of the forest by witness, *ib.* 3548. 3565.

Peculiar unanimity on the part of the public in favour of preserving the forest in its present condition; several petitions recently presented by witness to this effect, *Fawcett* 3553. 3556-3558. 3565 — Great satisfaction to be given by an Act of Parliament providing for the preservation of the forest, and the maintenance of the common rights, *ib.* 3560, 3561 — Reiteration of the view that the forest should be managed for the health and enjoyment of the people, rather than for purposes of revenue, *ib.* 3570-3572.

Loss to the whole nation if the natural beauty of the forest were destroyed, *Eyre* 3641 — Rapid increase going on in the number of visitors to the forest from Southampton, Salisbury, Totton, Stoneycross, and from all parts of the kingdom, *ib.* 3648-3654 — Proof of the immense appreciation of the forest by the public at large, *ib.* 3663, 3664 — Conclusion that if the English people in general knew what the forest is like, they would say it was simply a sin and a shame that it should not be left in its natural beauty, *ib.* — Letters handed in (*App.* 275, 276) showing the wide-spread character of the feeling in favour of the preservation of the forest, *ib.* 3670.

See also *Disafforestation and Allotment.* *Old Woods, &c.* *Petitions.* *Recreation Grounds.*

R.

Rabbits. Great increase of rabbits in the forests, whilst there has been a decrease of game generally, *Esdaile* 1899 — Expediency of further measures for keeping down the rabbits, *Eyre* 3626, 3627.

Recreation Grounds. Necessity doubtless of considering the claims of the public on the score of recreation grounds if disafforestation take place; contemplated reservation of 100 acres for this purpose, *Hon. J. K. Howard* 549, 550. 564-573.

Regulation of the Forest. Little interest now taken by the Crown in the mode of exercise of common rights, *Stead* 1607-1609. 1615, 1616 — Great advantage if bye-laws could be framed for the better regulation of the forest and of the exercise of common rights, *Esdaile* 1977-1985; *Squarey* 2401-2403; *Compton* 2968-2970. 3009 — Laxity of regulations as to the number of cattle turned into the forest, *Lovell* 2810, 2811 — Approval of restrictions upon the mode of exercising rights of turbary and wood fuel, *Fawcett* 3608, 3609. — See also *Verderers.*

Reports (Commissioners of Woods, &c.). Examination upon the circumstance of witness having stated in his report of 1867 that about 26,000 acres were private property "subject to the forestal rights of the Crown," whilst in his report in 1871 these rights are not named; conclusion however that such rights are in full force, *Hon. J. K. Howard* 295-316 — Explanation that the legal portions of witness' reports are supplied by the solicitor of the department, and that he can best explain the foregoing omission, *ib.* 302-304. 314-316 — Reference also to the solicitor as prepared to explain certain misquotations in the reports of 1867 and 1871 of the Act of William the Third, in regard to the powers of the Crown as to inclosure, *ib.* 317-324.

Erroneous quotation in Mr. Howard's report of 1867 in reference to the *toties quoties* power of inclosure, *Esdaile* 1779, 1780 — Comment upon Mr. Howard's disclaimer as regards the legal passages in his reports; reference especially to the omission in the report of 1871 of a claim included in the report of 1867, to forestal rights over 26,000 acres of private property, *ib.* 1781-1786.

Resident Owners. Expediency of consideration being given to the interests of resident owners and others in the enjoyment of the forest, *Fawcett* 3578-3580.

Rights of Common. See *Commoners, &c.*

Rights of Way. Misnomer in applying the term "privilege" to rights of way, *Watson* 12 — Question as to the public having a right of way over the forest; practically every facility is given to the public, *Watson* 179-185; *Hon. J. K. Howard* 580-589.

Strong complaint relative to the stopping up of numerous tracks and rights of way through the forest, as a consequence of the inclosures, *Lovell* 2827 — Great interference of some inclosures with the rights of way, *Compton* 2920-2922.

See also *Driftways.* *Gates.* *Roads and Highways.*

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Rinefield, Old. Comment upon the entire clearance of this magnificent wood in 1859, *Lovell* 2709-2712.

Roads and Highways. Question considered as to the claims or rights of the public in connection with highways in the forest, and rights of way, *Watson* 179-185; *Hon. J. K. Howard* 580-589—Inconvenience to the public by the large size of the inclosures, *Hon. J. K. Howard* 632, 633.

Resolution of the Forest Inclosure Commissioners in August 1870, that it was their duty to make inclosures, and to direct at what spots gates should be placed; protest by Mr. Howard against this resolution, *Esdaile* 1847—Legal opinion taken by witness, as a member of the New Forest Association, to the effect that the power of setting out highways and putting gates upon them was in the Inclosure Commission; contrary opinion obtained by Mr. Howard, *ib.* 1874-1879—Serious damage to the roads by the hauling of timber, *ib.* 2137.

Comments upon the exceedingly bad state of the roads in the forest, and upon the refusal of the Crown authorities to contribute to their maintenance though largely using them, *Jenkinson* 1416; *Lovell* 2833; *Thomas* 3250-3255; *Seager* 3422-3424—Direct road formerly through Buskett's Lawn, now cut off by inclosure, *Dunning* 3199, 3200.

See also *Gates.* *Rights of Way.*

Rolling Power of Inclosure. See *Inclosures and Plantations*, 2.

Ruskin, Mr. Value attached by Mr. Ruskin to the preservation of the forest in its natural state, *Eyre* 3646.

S.

Sale of Land. Sales of various parcels of land comprising about 1,103 acres, the purchase moneys having amounted to 29,700 £, the larger part of which has been applied, mainly for the benefit of the commoners, *Watson* 16-18.

Power of witness to sell portions of land, free from common rights; limited exercise of this power, *Hon. J. K. Howard* 425-432, 435, 439—Refusal of witness, since the resolution of 1871, to entertain any applications from resident owners to purchase small pieces of land in the forest, *ib.* 845, 846.

Prohibition by the Act of William the Third of grants of waste land, *Esdaile* 1662—Power taken by the Crown in one of its Acts to remove the prohibition upon sales of waste, *ib.* 1675—Erroneous statement in 1854 as to there having been a power in the Crown to sell up to 1,000 acres at a time, *ib.* 1748, 1754.

Conclusion as to the Crown not having the right of selling land in the forest free from common rights; illegality of sales to the amount of 12,000 £, *Esdaile* 1855, 1858-1862, 1902-1904—Expediency, however, of sales of small pieces of land, under certain restrictions, and by means of a commission, *ib.* 1856, 1857, 1905-1907—The money derived from the sales should be placed in trust for the mutual benefit of the Crown and commoners, *ib.* 1906, 1907.

Further comment upon the power of sale of waste land; circumstances under which a small piece of waste was purchased by witness, *Esdaile* 2229-2238.

Comments upon the objection raised by Mr. Esdaile and others against sales of land by the Crown; claim made on the part of the commoners to a share of the proceeds, *Watson* 3731, 3732—Purchase of some land by Mr. Esdaile himself, *ib.* 3731—Impression as to some of the lands sold having been bought by pleasant proprietors, *ib.* 3766—Stop put to further inclosures and sales, *ib.* 3767.

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Savernake Park. Instance of natural renewal in the case of Savernake, the timber being very beautiful, *Squarey* 2548-2552—Successful growth of young oak trees in Savernake Park, although there are a great many deer and cattle there; belief that these trees were planted, *Compton* 1914-2919, 2966, 2967.

Scotch Fir. See *Fir.*

Scott, Lord Henry (Member of the Committee). Draft report prepared by Lord Henry Scott, but not adopted by the Committee, *Rep.* viii-xiv.

Seager, James. (Analysis of his Evidence.)—Statement to the effect that the rights of pasture, &c. in respect of a small freehold belonging to witness and of a farm occupied by him at Pennerly are exceedingly valuable to him, 3367-3389—Estimate of 10s. an acre as the annual value of the rights attached to the freehold, 3386-3388—Considerable value of the turf rights of witness and of the commoners generally, 3390-3401—Estimate of 10s. a head as the value of the pannage, 3402.

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3426—Well-conducted character of the labouring population on the whole, 3416-3418
—Additional rental of Crown lodges in the forest by reason of the forest rights, 3419-3421—Great injury to the forest roads through the carriage of timber over them, whereas the Crown contribute nothing to the repairs, 3422-3424—Selling value of land, adverted to, 3427-3432—Great injury to witness' pasture rights if certain lawns in Pennerly Wood had been inclosed as at one time proposed, 3433-3436.

Select Committees of 1848-49. Witness reads sundry portions of the evidence given before the Select Committee of the House of Commons in 1848-49, as bearing upon the question of rights of common, and as showing the great damage done by the deer, *Watson* 31-38.

Various petitions presented to the House of Lords by commoners in 1867, relative to the operation of the Act of 1851; subsequent appointment of a Select Committee of the House of Lords on the subject in 1868, *Watson* 87.

Reference to a proposal by the House of Lords' Committee of 1868, that all "existing" inclosures should be taken as part of an allotment to the Crown; exclusion in such case of all common rights in respect of this land, *Cumberbatch* 1091-1096.

Importance attached to certain evidence of Mr. Clutton and Mr. Milne before the Select Committee in 1848 and 1849; considerable value placed by both these authorities upon the commoners' rights, *Esdaile* 1653. 1677-1685.

Self-renewal (Old Woods). Great damage to self-sown trees by cattle, *Cumberbatch* 949. 1011-1013—Self-renewal of woods in severalty, but not of forests open to rights of common, *Clutton* 1181, 1182—Belief that the finest timber in the forest was not self-sown, *ib.* 1262-1267.

Self-renewal of the old woods if the ferns and bushes are not cut down; instance of this in Fletch Wood, *Pink* 2527-2533. 2539—Very small inclosures necessary as a means of replenishing the forest, *ib.* 2540—Opinion as to the woods renewing themselves under certain conditions although uninclosed, *Squarey* 2582-2584.

Natural growth of much of the old timber; the process is however very slow, *Woolley* 2635. 2645. 2665-2668—Natural growth of oak where there is cover from bushes and ferns, notwithstanding the presence of cattle, *ib.* 2645-2649. 2669—Advantage of inclosing small areas over the forest with a view to self-renewal, *ib.* 2650-2653. 2669-2671—Great increase of undergrowth and of self-sown trees since the removal of the deer, *Lovell* 2722-2726. 2764—Very few young trees growing up in the old woods, *Compton* 2962.

Belief as to some of the most valuable timber in the forest having been produced naturally, *Fauccett* 3606, 3607—Conclusion that there is no danger of the forest perishing in the absence of inclosures; thriving seedlings in various parts of the uninclosed woods, *Eyre* 3625, 3626. 3628.

See also *Fern. Mice. Old Woods, &c. Severnake Park. Underwood.*

Sharpe, R. Bowdler. Letter from Mr. Bowdler, dated 24th June 1875 protesting, as a naturalist and ornithologist, against any further inclosure of the New Forest, *App* 276.

Shooting Licenses. Explanation in connection with the power of the Commissioners of Woods under the Crown Lands Act of 1866 to grant shooting or sporting licenses in the forest, *Watson* 91-95—Receipt of 700*l.* or 800*l.* a year from the licenses, *Hon. J. K. Howard* 405. 493. 619—Grounds for justifying the repeal, without notice to the commoners, of the 9th clause of the Act of 1851 by the Act of 1866; that is, as regards the grant under the latter of 20*l.* shooting licenses to any respectable persons who apply for them, *ib.* 482-509. 619.

Strong objection to the Crown claiming to exercise rights of shooting outside the actual forest; belief that no such rights have been exercised, *Jenkinson* 1411-1413. 1465-1497.

Explanation relative to the opposition made by witness and other resident proprietors to certain clauses proposed in 1866, giving power to the Crown to lease the forest for shooting; eventual transfer from Her Majesty to the Commissioners of Woods of the power of granting shooting licenses, *Esdaile* 1762-1770—Much more extensive shooting since the substitution of the 20*l.* license for the 1*l.* license, *ib.* 1900, 1901—Respects in which the alterations in regard to shooting licenses are at variance with the spirit of the Deer Removal Act, *ib.* 1948-1950.

Further consideration of, and objections to, the course pursued on the part of the Crown in regard to shooting licenses, *Esdaile* 2008-2014.

Statement as to the commoners having had no right to interfere with the granting of shooting leases, so that notice on the subject was not necessary in reference to the Crown's Land Bill of 1866, *Watson* 3725.

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Sloden Wood. Explanation as to the removal of some yew trees at Sloden; large number of beautiful trees still at this spot, *Cumberbatch* 1077—Denial that there was any necessity for cutting down so many old yew trees, *Lovell* 2713-2715.

Small Freeholders and Occupiers. Concurrence of evidence to the effect that the rights of common are especially valuable in the case of the small tenants and freeholders, *Jenkinson* 1520-1523, 1525; *Stead* 1558, 1559, 1565, 1566, 1568-1571; *Lovell* 2805-2809; *Compton* 2906-2908; *Egerton* 3056-3067; *Kitcher* 3321-3334; *Seager* 3367-3389; *Smith* 3487 *et seq.*

Increasing number of the small freeholders; very little poverty among them, *Esdaile* 2026-2053—Effect of disafforestation and allotment in destroying the class of peasant proprietors; great independence of this class, and great value attached by them to their proprietary rights, *ib.* 2045-2054—Very large number of small freeholders and of small tenants in the forest, *Compton* 2880, 2881, 2923-2925—These are a most respectable class and should not be extinguished, *Compton* 2885, 2890, 2891, 2931, 2932; *Fawcett* 3549, 3568, 3569.

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Smith, Thomas. (Analysis of his Evidence.)—Is bailiff on the estate of Mr. Eyre, 3486—There are nineteen cottagers on the estate, who exercise rights of pasture, &c., and who are thereby enabled to live in a comfortable and independent manner, their wages as labourers being only 11s. or 12s. a week, 3487 *et seq.*—The cottagers have pannage rights, although there may be no land with the cottages, 3496, 3497, 3509-3512—The pasture has been much reduced since the inclosure of Prior's Acre, 3513-3519, 3540, 3541.

Claim to forest rights in the case of all cottages before 1800; 3525-3527—Custom as to the payment of dues to the Crown in respect of pannage, 3528-3532, 3537, 3538—Check as regards the number of cattle, ponies, and pigs turned out, there being a drift every year without any notice to the commoners, 3533-3536.

Soil. Miserable character of the soil and pasturage generally, *Hon. J. K. Howard* 514-520.—See also *Cultivation of the Soil. Heath Land.*

Southampton. Petition signed by 1,278 residents of Southampton and its immediate vicinity protesting against any further inclosure of the forest, *App.* 279.

Southampton and Dorchester Railway. Power of the Crown, under the Act 8 & 9 Vict, c. 93, to sell land in the forest for the purposes of the Southampton and Dorchester Railway; expenditure of about 10,000*l.* from this source in the drainage of part of the forest for the benefit of the commoners, *Watson* 31—Objection to further expenditure on drainage for the interest only of the commoners out of the balance in hand from the sale of land, *Hon. J. K. Howard* 433-437—Explanation relative to the expenditure in drainage out of the Southampton and Dorchester Railway fund, and the stop put to further outlay, *Cumberbatch* 1155.

Consultation of the verderers in reference to the drainage expenditure out of the money received from the Southampton and Dorchester Railway Company, *Stead* 1548, 1552, 1555—The money obtained is in the hands of trustees, *Esdaile* 1902—Claim of the commoners to a share in the unexpended balance of the money received from the Railway Company, *ib.* 1913, 2278-2284.

Spanish Chestnut. Difficulty as to the successful growth of Spanish chestnut trees, *Cumberbatch* 990.

Squarey, Elias Pitts, and Charles Pink. (Analysis of their Evidence.)—(Mr. Squarey.)—Is a valuer and surveyor, residing near the New Forest; has, in conjunction with Mr. Pink, recently made a survey and valuation of portions of the forest, 2315-2323, 2363—Refers to a certain map as illustrating this survey; general resemblance between this map and that of Mr. Trimmer, 2434, 2325.

Conformity to the provisions of the Act of 1851, in selecting the oak land for planting, 2326-2328—Approval generally of the course pursued in draining the new plantations by means of open drains, 2329-2331—Increased cost in the fencing and management of wood lands where the adjoining lands are subject to common rights, 2332—Liability of timber to injury if the land on which grown is subject to rights of pasture, 2333—Belief that the old woods in the New Forest would renovate themselves notwithstanding the presence of cattle and ponies, 2334, 2335.

Opinion strongly opposed to a severance by Act of Parliament of the common rights from the Crown rights, 2336-2339—Approval on the other hand of the Crown having a right of inclosure over an area to be agreed upon; common rights not to be exercised within such inclosures, but over the other portions of the forest not devoted to the growth of timber, 2338, 2340-2343—Conclusion as to the best land in the forest having been selected for plantations, 2344-2346—Ample compensation to the Crown if secured in the possession of 20,000 acres for the growth of timber, 2347.

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Copy of report by Mr. Pink and witness containing details relative to the various inclosures and the value thereof, together with an estimate of the value of the Crown's rights generally, 234^x-2355*.

Statement in the report as to the inclosures having been so selected and carried out as greatly to reduce the value of the rights of pasture, 2350—Comments in the report upon the use of pipe-drains in some places, instead of open drains, *ib.*—Natural and beautiful wood lands included in some of the inclosures, *ib.*—Calculation showing a total of 138,050 l. as the estimated value of the Crown's rights, upon the basis assumed by Mr. Clutton in 1849; 2350-2353*.

(*Mr. Pink.*)—Concurrence in the foregoing estimate and report, save as regards the rights of growing timber, witness putting the total value at 119,425 l., 2353. 2356.

(*Mr. Squarey.*)—Result of the calculations of Mr. Pink and witness, that the Crown has considerably in excess of half the value of the forest, 2357—Conclusion also that the rights of the commoners have been much infringed upon by the manner in which the Crown has exercised the right of inclosure, 2358, 2359—Undue proportions of the total value represented by the existing inclosures in the event of an apportionment of the two classes of rights, 2359.

Estimate of one-fourteenth as the value of the rights of the Crown as lord of the manor, 2360—Great excess in awarding to the Crown an allotment of four-fifths in respect of the right to keep deer, 2360-2362—Probability of there being not more than from 2,000 to 3,000 acres of good land uninclosed, or not provisionally approved for inclosure, 2363—Estimate of about 5,000 acres as occupied by ancient ornamental timber, 2364.

Calculation that about 26,000 are open heath lands, the poorer portions of which cannot be planted with a profit, 2365-2367—Decided opinion that for the financial interests of the Crown planting should be restricted to those lands which have been already the subject of inclosure, 2368, 2369.

(*Mr. Pink and Mr. Squarey.*)—Explanation with reference to a certain map of the forest showing the different classes of land, that heath or inferior land has necessarily been included in the later inclosures, all the better land having been already taken, 2370-2382.

(*Mr. Squarey.*)—Opinion that it would be an excellent and equitable arrangement if the Crown's right of planting and inclosure were confined to the ancient woodlands and the modern plantations, and if all the rest of the forest were open to the commoners, the public rights being at the same time duly provided for, 2383-2403—Very little pasture in the planted woods, 2394, 2395—Considerable loss to the commoner if the pannage in the woods had to be given up; means of meeting this difficulty, 2395-2399—Advantage to all parties by the enforcement of rules and regulations, 2401-2403.

Doubt as to the expediency of relegating to surveyors on each side the decisions as to the land to be inclosed, 2404—Impression that the inclosures hitherto have been made without taking the opinion of any expert as to the value, 2405—Conclusion as to the land selected for planting, having been most unfairly taken, some of the inclosures involving great disabilities to the commoners' cattle, 2406, 2407.

[Second Examination.]—Total of about 11,000 acres of plantations from which the cattle of the commoners are now excluded, 2408-2411—Total of 8,387 acres thrown open which have been inclosed, the ancient woodlands being about 5,000 acres, 2412-2415—Belief that of the existing inclosures known to witness none can be thrown open for the next twenty-five or thirty years, 2416-2419. 2424—(*Mr. Pink.*) Very little area under inclosure, so far as witness' valuation went, that can be thrown out for some years to come, 2420-2423.

(*Mr. Squarey.*)—Examination to the effect that it would be fair to the commoners if, as a condition of a new inclosure, an area already planted were thrown open calculated to produce the same amount of pasture as that proposed to be inclosed, 2425-2438—Doubt as to the beauty of the forest being increased by an increase of plantations, 2439, 2440—Considerable value to the commoners accordingly, as the 11,000 acres now inclosed are thrown open, 2441-2447—Valueless character of the herbage in some parts of the old plantations which have been thrown open, 2447-2452—Excellent pasturage in parts of the ancient and natural woodlands, 2453.

Beauty of the ancient woods owing very much to their growing in groups, and to the action of the commoners' cattle, 2453. 2463. 2510, 2511—Conclusion that where the fern and brambles are not cut the old woods will naturally renew themselves, notwithstanding the presence of cattle, 2454-2462. 2514. 2516-2518—Information relative to the planting of Scotch fir conjointly with oak; large area of heath land on which Scotch fir could not be grown, 2464, 2465. 2471, 2472—Absence of pannage in the young plantations; limited value of the pannage in the inclosures which have been thrown open, 2466, 2467.

Very inadequate compensation to the commoners if the 11,000 acres now inclosed, together

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together with the 2,387 acres thrown open and the 5,000 acres of ancient woods were allotted to the Crown, free of common rights, and if the balance of 38,570 acres were allotted to the commoners, 2468-2470. 2473-2476—Improvement expected in the pasturage where the inclosures are thrown open, more especially if the trees were limited in number; very little pasture when first thrown open, 2473. 2476. 2487-2493—Gradual deterioration of the common rights by continual inclosures and by throwing open on each occasion a similar area of land previously inclosed, 2477-2493.

Importance of deep arterial drainage as a means of improving the bog land in the forest, 2497-2499—Effect of inclosures and fences in promoting the growth of under-wood and dense thickets, and in rendering the forest impassable, 2500-2504. 2512, 2513—Very large expense necessary for fences if the Crown were allowed to retain all the plantations and thrown out inclosures, 2508, 2509—Doubt as to any injury being ever done by the commoners or the public to the ancient woods or other timber, 2514, 2515.

(*Mr. Pink.*)—Considerable portion of old woodland included in the parts of the forest surveyed by witness; several excellent lawns amongst the woods, 2519-2526—Self-renewal of the old woods if the ferns and bushes are not cut down; instance of this in Fletch Wood, 2527-2533. 2539—Statement as to 5,000 *l.* worth of timber having been cut down in Fletch Wood (130 acres) in thirty years, the new crop being now worth 2,000 *l.*, 2530-2532.

Advantage of the feeding of the cattle as adding to the park-like character of the forest, and as preventing too much underwood, 2534, 2535. 2539—Great expense necessary for fences if all the old woods were inclosed, 2536-2538—Very small inclosures necessary as a means of replenishing the forest, 2540—Obstacles to deriving good pasture in the inclosures thrown open; difficulty as to thinning the trees for the purpose, 2541-2547.

(*Mr. Squarey.*)—Instance of natural renewal in the case of Savernake, the timber being very beautiful, 2548-2552.

(*Mr. Pink.*)—Further details in reference to the acreage value of the old timber and of the new crop in Fletch Wood, formerly part of the New Forest; calculation, based thereon, that the annual value to the Crown for spontaneous growth on uninclosed land is 2 *s.* 9 *d.* per acre 2553-2568. 2588-2609.

(*Mr. Squarey.*)—Witness further submits that 1 *l.* per acre over 55,000 acres would fairly represent the Crown's right as to the growth of timber, 2569-2574—Excellent pasture at Allum Green, which adjoins some natural woodland, 2575-2577—Improvement in course of years in the pasturage after inclosures are thrown open, 2578—Larger pasturage available by clearing the land of trees, than by planting, 2579—Beneficial effect by the admission of cattle when inclosed timber reaches a certain size, 2580-2582.

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NEW FOREST DEER REMOVAL, &c. BILL (1851).

R E P O R T S

FROM THE

SELECT COMMITTEE

ON THE

NEW FOREST DEER REMOVAL, &c. BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

M I N U T E S O F E V I D E N C E.

SESSION 1851.

*Ordered, by The House of Commons, to be Printed,
5 May 1875.*

Lunæ, 2^o die Junii 1851.

NEW FOREST DEER REMOVAL, &c. BILL.

Ordered, THAT the Bill be committed to a Select Committee.

Jovis, 12^o die Junii, 1851.

Committee nominated of—

Lord Seymour.
Sir William Gibson Craig.
Viscount Duncan.

Mr. Henry Drummond.
Mr. H. ton.
Mr. Comp Wellesley.
Lord Charles

And Five Members to be added by the Committee of Selection, viz. :

Mr. J. Evelyn Denison.
Mr. W. H. P. Gore Langton.
Mr. H. B. Clive.

The O'Gorman Mahon
Honourable Gerard J. Noel.

Ordered, THAT Five be the Quorum of the said Committee.

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R E P O R T
FROM THE
SELECT COMMITTEE
ON THE
NEW FOREST DEER REMOVAL, &c., BILL;
TOGETHER WITH THE
MINUTES OF EVIDENCE.

THE SELECT COMMITTEE on the **NEW FOREST DEER REMOVAL, &c., BILL**, to whom several Petitions against the Bill were referred, have heard Counsel in support of the Petitions, and have also heard Counsel in favour of the Bill; and have examined the allegations of the Bill, and found the same to be true, and have gone through the Bill, and made amendments thereunto.

R E P O R T
FROM THE
SELECT COMMITTEE
ON THE
NEW FOREST DEER REMOVAL, &c., (RE-COMMITTED) BILL.

THE SELECT COMMITTEE on the **NEW FOREST DEER REMOVAL, &c., (RE-COMMITTED) BILL**, have made other amendments thereunto.

PROCEEDINGS OF THE COMMITTEE.

NEW FOREST DEER REMOVAL, &c., BILL.

Veneris, 20^o die Junii 1851.

MEMBERS PRESENT:

Mr. Gerard J. Noel.
Mr. W. H. P. Gore Langton.
Lord Duncan.
Lord Seymour.

The O'Gorman Mahon.
Mr. H. B. Clive.
Mr. J. Evelyn Denison.
Sir W. Gibson Craig.

Mr. EVELYN DENISON was called to the Chair.

Parties called in.

Preamble read.

Mr. *Ellidcombe* and Mr. *Gardiner* appeared in support of the Bill.

Petitions (referred) against the Bill, read, from—

1. The Duke of Buccleuch and others.
Agents in support of the Petition, Messrs. *Pritt & Co.*
2. Commoners enjoying rights over the New Forest.
Agents in support of the Petition, Messrs. *Pritt & Co.*

The Committee deliberated on their course of proceedings.

[Adjourned till Wednesday next, at Twelve o'clock.

Mercurii, 25^o die Junii 1851.

MEMBERS PRESENT:

Mr. EVELYN DENISON in the Chair.

Viscount Duncan.
Mr. Clive.
Mr. Compton.
Honourable Gerard Noel.
Mr. Henry Drummond.

Lord Seymour.
Mr. Gore Langton.
The O'Gorman Mahon.
Lord Charles Wellesley.
Sir W. Gibson Craig.

The following Counsel appeared in support of the Bill:—Mr. *Alexander* and Mr. *Phinn*.

For the Petitioners against the Bill:—Mr. *Talbot* and Mr. *J. J. Johnson* appeared as Counsel.

Mr. *Alexander* was heard to open the case in support of the Preamble of the Bill.

Mr. *Gardiner* (Solicitor to the Office of Woods, &c.), examined by Mr. *Phinn*; produced and put in several Acts: Reports of Commissioners; Report, &c., of Select Committee (Commons).

Mr. *Cumberbatch* (Deputy Surveyor of the New Forest), called, and examined by Mr. *Alexander*; cross-examined by Mr. *Talbot*.

Mr. *Talbot* was then heard to open the case of the Petitioners against the Bill.

Mr. *Gardiner* again examined by the Committee, and examined by Mr. *Talbot*.

Mr.

Mr. *Talbot* further heard upon this evidence.

The Committee deliberated. Preamble again read.

Question, That the Preamble of the Bill is proved,—put, and *agreed to*.

Parties called in, and informed thereof.

[Adjourned till To-morrow, at Twelve of the clock.]

Jovis, 26^o die Junii, 1851.

MEMBERS PRESENT:

Mr. EVELYN DENISON in the Chair.

Viscount Duncan.
Mr. H. B. Clive.
Mr. Compton.
Honourable Gerard Noel.
Mr. Henry Drummond.

Lord Seymour.
Mr. W. H. P. Gore Langton.
The O'Gorman Mahon.
Lord Charles Wellesley.
Sir W. Gibson Craig.

Preamble, without Amendment, read, and *agreed to*.

Clauses 1—3, amended, and *agreed to*.

Clauses 4—9, *agreed to*.

New Clause (A.), (Powers to Commissioners to grant leases, &c.), brought up, read 2^o, and *added*.

New Clause (B.), brought up, read 1^o, 2^o, and *added*.

Ordered, To Report.

NEW FOREST DEER REMOVAL, &c. (RE-COMMITTED) BILL.

Jovis, 17^o die Julii, 1851.

MEMBERS PRESENT:

Mr. J. EVELYN DENISON in the Chair.

Mr. Compton.
Lord Seymour.
Mr. Henry Drummond.

Mr. W. H. P. Gore Langton.
Viscount Duncan.
Honourable Gerard Noel.

Mr. *Phinn*, in support of the Bill, was heard to state the reasons for the re-commitment of the Bill, and proposed to submit additional Clauses for insertion, and other alterations in the Bill.

Preamble *agreed to*.

Clause 3 amended, and *agreed to*.

Clause 9 amended, and *agreed to*.

Several New Clauses brought up, read 1^o, 2^o, and *added*.

Ordered, To Report.

LIST OF WITNESSES.

Mercurii, 25^o die Junii, 1851.

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MINUTES OF EVIDENCE.

Mercurii, 25^o die Junii, 1851.

MEMBERS PRESENT:

Lord Seymour.
Sir W. Gibson Craig.
Viscount Duncan.
Mr. Henry Drummond.
Mr. Compton.
Lord Charles Wellesley.

Mr. Evelyn Denison.
Mr. Gore Langton.
Mr. H. B. Clive.
The O'Gorman Mahon.
Honourable G. Noel.

JOHN EVELYN DENISON, Esq., IN THE CHAIR.

Mr. Alexander and Mr. Phinn appeared as Counsel for the Bill.

Messrs. Dorington, Ellicombes, and Company appeared as Agents.

The Petition of the Duke of Buccleuch and others against the Bill was read.

Mr. Talbot and Mr. J. J. Johnson appeared as Counsel for the Petitioners.

Messrs. Pritt, Venables, and Company appeared as Agents.

The Petition of Commoners enjoying rights over the New Forest against the Bill was read.

Mr. Talbot and Mr. J. J. Johnson appeared as Counsel for the Petitioners.

Messrs. Pritt, Venables, and Company appeared as Agents.

Mr. Alexander was heard to open the case of the Promoters of the Bill.

JOHN GARDINER, Esq. ; Examined by Mr. Phinn.

1. ARE you Solicitor of the Board of Woods?
—Yes.

2. Do you produce the various Acts of Parliament referred to by my learned friend?—Yes, I do.

3. First, the 9th & 10th Will. 3, c. 36?—Yes.

4. Next, the 48th Geo. 3, c. 72?—Yes.

5. Then the 52nd of Geo. 3?—The 52nd Geo. 3, c. 136.

6. Mr. Talbot.] What are those?—The 9th & 10th Will. 3 (Public Act), c. 36, "An Act for the Increase and Preservation of Timber in the New Forest, in the County of Southampton."

7. That is the 6,000 acres Acts?—That is one of the 6,000 acres Acts. The 48th Geo. 3, c. 72, "An Act for the Increase and Preservation of Timber in Dean and New Forests," Public.

8. That is the same thing?—The 52nd of Geo. 3, c. 136, "An Act for inclosing the Forest of Delamere, in the County of Chester," Public. The 52nd Geo. 3, c. 171, "An Act for disafforesting the Forest of Parkhurst, in the County of South-

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ampton, and for inclosing the open commonable Lands within the said Forest," Public.

9. Will you refer us to the sections there?—I will give you them from the brief; probably I can do it without; 52nd Geo. 3, c. 136. Delamere, the 33rd section: "Forest divided into moieties;" one moiety to the king. The Forest of Parkhurst, 52nd Geo. 3, c. 171, s. 35: "Allotments to the king to be one full third part in value of the remainder of the open" commonable lands.

10. Mr. Alexander.] Alice Holt will be the next, 52nd Geo. 3?—Alice Holt, the 52nd Geo. 3, c. 72, s. 1; total, 2,427 acres. His Majesty may inclose not exceeding 1,600 acres for his forestal right.

11. Windsor is the next?—Windsor Forest, 53rd Geo. 3, c. 158; Windsor Forest, 24,000 acres. Sec. 1, 9-32nd parts for the forestal rights; that after 9-32nds parts shall be set out and allotted for his Majesty, all the remainder shall be for the use of the commoners. Then there comes the king in right of the soil gets 2-32nds in addition to the 9-32nds out of the residue.

A 4

12. Mr.

J. Gardiner,
Esq.

25 June
1851

J. Gardiner,
Esq.
—
25 June
1851.

12. Mr. Phinn.] Now Exmoor?—Exmoor, 55th Geo. 3, c. 138, 22,400 acres. By sec. 21 there is an allotment to the king; that after allotment for roads and footways, and so forth, the Commissioners shall set out in severalty to the king "such part of the forest, quantity, and quality, and situation considered, as in the judgment of the Commissioners shall be equal in value to 12-22nd parts of the whole of the said forest."

13. By the Committee.] That is including value; were the others so?—Yes, I took it short.

14. Not the mere quantities, but estimated value?—This is so, and I think the others were the same.

15. Mr. Phinn.] Now, Brecknock?—Brecknock, 55 Geo. 3, c. 190, s. 31: "The Commissioners shall, after setting out the allotments before mentioned, set out one full moiety or half part of the residue, due regard being had to the quality and situation under the king."

16. Have you the report of the Committee of the House of Commons?—I have.

17. Presided over by the noble Lord the member for Bath?—I have.

18. Will you turn to Question No. 2321?—I have got it.

19. Who is the witness examined?—Thomas White. "Chairman.] Are you steward to the Lord Warden?—I am. When were you appointed?—I was appointed in 1817. Who appointed you?—His Royal Highness the Duke of York."

20. I think you may go on to Question 2507?—"Do the deer trespass much upon the farms in the neighbourhood?—Very much. In summer or winter?—At all times of the year. Do they get into the standing corn round the forest?—Yes, they trespass very much, and there is a great deal to do to keep the people in good humour; and if there was not an opportunity of giving them a little venison, they would be very angry. Chairman.] Do they trespass on your land?—No; I have a good fence. It increases the expense of fencing, does it not?—Yes, everybody knows when they come to buy property there, that the expense is increased in consequence of the trespass of the deer, the property is not sold for so much on that account."

21. Now will you turn to No. 3206. Mr. Thomas Falconer is the gentleman under examination?—"Thomas Falconer, Esq., examined."

22. A gentleman of property in that district?—He lives in the neighbourhood of the New Forest. "I live at a place called Wootton, which is on the south side of the New Forest." Chairman.] Have you heard many complaints of the deer?—It is a great cause of complaint, because the damage done by the deer is very great, and it produces great expense to persons occupying land in the neighbourhood of the forest. Mr. Langston.] That is not confined to the forest itself, but extends for a considerable distance round the forest?—In the district round the forest deer are generally killed when they leave the forest. With 15 gamekeepers you cannot watch over 100 square miles, and the opportunity of killing them is so great, that it tends to demoralise the population round the forest. Are there a considerable number of deer killed on the borders of the forest?—There are no doubt a great many killed."

23. Go on to 3230*, if you please?—"Chairman.] Have you any further suggestions to make on the subject of New Forest? First, the sepa-

rate jurisdictions of the Lord Warden and of the Commissioners of the Woods and Forests ought to be united, and the whole management of the New Forest ought to be under one authority. At the present time there is no efficient management in any one department of the forest. Secondly, the deer ought to be entirely destroyed; they are not a source of any profit; they are an evil to the neighbourhood; their number is excessively great, and the cost of sustaining them is enormous. Thirdly, the names of all the persons claiming rights of common, and also the land in respect of which such rights are claimed, ought to be ascertained; anciently it was the practice to do this periodically; if this were done, unfounded expectations of common rights would be prevented; concessions of pasture might be made to the extent of one or two cows to poorer cottagers; and in case it were proposed to inclose the forest, means would exist to ascertain the extent and value of the rights in respect of which compensation might be demanded. Fourthly, the popular election of regarders should be abolished. They were formerly, by the statute 9 Hen. 3, c. 10, a sort of permanent jury of 12, though they are now only 11, in the New Forest. Whether fees demanded by foresters were ancient fees or not were to be ascertained by the oath of the 12 regarders; no collections of produce in right of office could be made but on the view and oath of the 12 regarders, &c."

24. Will you go to that part which speaks of the existence of the deer?—"The existence of the forest as a mere waste of 103 square miles, in the midst of a civilised and settled country, is anomalous, and is injurious to the whole county of Hampshire; the forest contributes nothing to the education of the people living within it; nothing to religious education; and though many prosecutions are occasioned by it, it does not, I believe, contribute to the county payments for the administration of justice. To the parts of Lymington, Christchurch, and to the whole of the settled districts of the county south of it, the forest is productive of the most serious injury, interfering with trade, diverting the investment of capital from the county, reducing the value of property, and debasing the character and morality of the population."

25. Turn to No. 3377?—"Mr. Moses Cull, examined."

26. An accountant, formerly clerk to the magistrates?—Yes. "I am an accountant. Were you born in the New Forest?—I was; at Minestead, in the centre of the New Forest. Have you lived there a long time?—Yes, I have lived there and at Ringwood nearly all my life." "Do you think the deer have increased since 1809?—Yes, very considerably. Should you think that the injury done by the deer now is much greater than it used to be?—I should think that they do 40 times as much damage now as they did 40 years ago; for instance, where Mr. Compton lives (and I was born in that parish where he is living), 40 years ago there were very few deer to be seen in Minestead in the evenings or the mornings, and now you may see hundreds; that is in the Castlemalwood Walk. Do those deer commit extensive depredations upon the crops?—Very much so; so much so that Mr. Compton, though he compounded with the Office of Woods and Forests, gave up the composition, I am informed, and killed the deer. Mr. Pusey.] Do the deer stray?—Yes; I meet and see many in the roads near Ringwood when

I come

I come home at 10 or 11 at night: they take the fences which are not too high. *Chairman.*] Are the fences obliged to be very high and of an expensive nature in order to keep the deer out?—Yes; and you cannot keep them out then at many places. Are the poor inhabitants subject to depredations from the deer?—Yes, the poor and rich also. Do they kill the deer when they stray upon their lands?—They could do so under the Act of Parliament, but they do not for fear of penalties."

27. *Mr. Alexander.*] Will you refer to No. 3247?—"Mr. Charles Castleman examined."

28. *Mr. Phinn.*] Just state what he is?—He resides in Christchurch, and has resided within a few miles of that neighbourhood all his life. He is acquainted with the forest perfectly.

29. Turn to No. 3247?—"Did you ever hear of any damage done by the deer?—Repeated complaints are made of the deer." That question is by the *Chairman*.

20. *Mr. Alexander.*] Now, No. 3249?—"Chairman." Do the deer prevent the cultivation of turnips in that neighbourhood?—They prevent us from growing a crop of turnips, and we can keep no sheep in consequence upon the farms there. The deer are particularly fond of turnips?—Yes; and they do great mischief to the standing corn."

31. Now, *Mr. Francis Attwood*, No. 3,150?—*Mr. Francis Attwood*, agent to *Mr. Morant*, and has the care of his estate. "Have you been accustomed to hear great complaints of the damage done by the deer, and the difficulty of preventing it?—Yes, I have. In regard to fencing against the deer, is the price of fencing against the deer very considerable?—I should say the price of fencing against the deer was at least double the price of ordinary park fencing; there would not be occasion to provide such an expensive fence except against the deer, but we are obliged to have a high fence at a great cost; the fence requires to be double the usual height?—Yes. Is the extent of fencing considerable round *Mr. Morant's* boundary of the forest?—It extends upwards of three miles. And the repairs of that fence in order to keep out the deer are considerable?—Very considerable; I have always heard it spoken of as an item of large expenditure. Is the principal damage done by the deer in winter, and the early part of the spring?—Yes, during the time that turnips and other green crops are on the ground, when the deer are driven out of the forest for want of food; there is not so much damage done in the summer. Have you frequent complaints made by the tenants on *Mr. Morant's* estate with respect to the deer?—Yes, the greater part of the farms are now in hand. I have often heard the farmers complain very much of the disadvantage as regards the deer, and say, that it is to very little purpose they adopt an improved system of farming, while they are so exposed to depredations from the deer. Is it a bar to improvement. Does the liability to trespass from the deer tend in your opinion to deter the more intelligent class of farmers from taking farms in the neighbourhood?—The farmers we have are not men of very great capital, or very great skill in farming, and I attribute that in a great measure to the disadvantage they have to encounter in farming lands which they cannot drain or cultivate to that advantage which they would do if they were not exposed to the depredations of the deer."

32. No. 3169?—"Chairman." Can you recommend any plan with reference to the management of the land in the New Forest?—If the deer were destroyed, I think the land would be capable of cultivation, and that great advantage would accrue, not only to the surrounding proprietors, but to the country at large."

33. *Mr. Phinn.*] You had better just put in formally the report of the Commissioners?—This is the report of the New Forest and Waltham Commission.

34. By the *Committee.*] The Commission at which Lord Portman was at the head?—Lord Portman, *Mr. Dampier*, and *Mr. Daly*. This is the report and the sub-report.

35. *Mr. Phinn.*] The sub-report of *Mr. Hume*, the secretary?—Yes; it is dated 1850. I cannot put them in separately, because they are together.

36. By the *Committee.*] Do the Commissioners adopt it?—Yes; you will find that they refer to it constantly.

Mr. Talbot submitted that the statements of Royal Commissioners were not evidence in a court of law, and that, *à fortiori*, less so a sub-report to the Royal Commissioners. That at the commencement of their report they used the following language: "As, however, our desire to make a report in time to enable your Lordships to take legislative steps thereupon in the present Session has compelled us to direct him to furnish us at once with such information as his researches hitherto may have enabled him to collect without waiting for an examination of the court rolls in either forest, or for the conclusion of the various other investigations which he has set on foot, we particularly beg to draw your Lordships' attention to this fact, and to guard both ourselves and him against any misapprehensions in reference to his sub-report, our first and present object being to place before your Lordships what may suggest or promote inquiry, and be applicable to such further measures as may hereafter be deemed necessary for the determination of the several matters in question." That he could not without remonstrance consent to have this document treated as evidence upon which the rights of property which he represented were to be impaired or affected by the Bill. That the sub-report of the secretary contained the following passage: "I need hardly observe that the routine duties of secretary to a Commission of this nature, the writing, preparing, and providing for the publication of the letters, advertisements, and placards previous to the several meetings in the forests; the preparing, printing, and arranging for the distribution of several thousand blank forms of claim in every walk and parish of the respective forests; the attending the Commissioners at their several meetings in the forest, and elsewhere; the receiving, inspecting, and endeavouring to analyse the contents of between 2,000 and 3,000 statements of claims, each of them claiming several different rights over the forest, together with the various correspondence to which such proceedings must necessarily lead, have left me no great amount of leisure for original and independent investigation during the five or six months of the existence of this Commission; and having finally been compelled

J. Gardiner,
Esq.
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25 June
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compelled to break off my investigation without having had an opportunity of working up more than a small part of the materials in view, I feel it my duty to submit the following, not as a complete or sufficient report upon the various matters inquired into, but rather as notes made in the course of my investigations hitherto."

Mr. *Alexander* stated that he only used the sub-report for the facts which the secretary stated upon his inquiries, not as to his recommendations. That where the Commissioners adopted his views, and founded their recommendations upon the facts which the secretary detailed, it was evidence upon which the Committee might act. That the Commissioners themselves spoke upon the subject of the deer as their own recommendation, stating, "We feel justified in saying that we see no objection to the proposal entirely to remove the deer from the New Forest, provided some proper agreement or arrangement shall have been previously made for an allotment to the Crown and public of a sufficient portion of the soil of that forest in compensation for the surrender of this very important and most

valuable vested right belonging to the Crown."

Mr. *Talbot* stated that even this was not evidence against him. Being asked whether he objected to the document being put in with the view with which it was put in by the counsel for the promoters, he stated that he had no objection to its being admitted *valeat quantum*. The Chairman stated that in receiving the document the Committee would not lose sight of the passages which Mr. *Talbot* had read.

Cross-examined by Mr. *Talbot*.

37. It appears from that interesting passage which I just now read from Mr. Joseph Hume's report, that he was engaged in investigating a large number of claims. Do you know, in point of fact, that claims were invited by the Commissioners, and sent in in great numbers?—I know very little indeed of the practical operation of that Commission.

38. You were not present and concerned in it?—Not at all.

39. You do not happen to know that fact, do you?—No, I do not; I have never seen the claims, any one of them.

Mr. LAWRENCE HENRY CUMBERBATCH, Examined by Mr. *Alexander*.

Mr.
Cumberbatch.

40. ARE you Deputy Surveyor to the New Forest?—I am.

41. Over what portion of the forest is the Crown entitled to the soil?—Over about 66,000 acres.

42. Deducting from that New Park and the lands belonging to the Crown in severalty, they are to the extent of about 2,200, I believe?—About 2,200.

43. That would leave about 63,800 acres as the extent of the waste?—Yes.

44. Can you state to the Committee about the number of deer in the forest?—There are between 2,000 and 3,000.

45. And some red deer besides; you are speaking of fallow deer, I suppose?—Yes; there are about 100 red deer.

46. You are aware, I suppose, that frequent complaints have been made of the depredations of the deer?—Yes, I have heard of them and seen them in the evidence before the Committee.

Cross-examined by Mr. *Talbot*.

47. Are you acquainted with the forest?—Yes, I am.

48. Are there portions of the forest which may be said to be useful for nothing?—Decidedly not; all land is useful for something.

49. That is to say, for making besoms, or what. Are there large portions of this forest which even for the purposes of pasture are of very little value?—There are.

50. Do you concur in opinion with a gentleman of the name of Clutton, whom we all know, a person of first-rate eminence in his profession, who stated before the Committee that there were 30,084 acres of the forest unfit for the purposes of planting timber?—Yes, I should think there were somewhere about that quantity.

51. What portion of that 30,000 acres unfit for planting with timber is also unfit for the purpose of pasturage?—That is a question I cannot answer; because I have never considered it.

52. You have not measured it; but are you aware that there are large portions of the forest which are exposed to that observation?—That is, that they are not good pasturage.

53. Yes?—There are large portions which are not good pasturage.

54. Hill tops, I mean, with heather upon them, and so on?—Yes.

55. And other places very boggy, are not there?—Yes.

56. I believe Mr. Clutton put a very low figure, indeed, upon such; a shilling an acre, or something of that sort?—One shilling and sixpence, I think.

57. And the 15,000 acres which he estimated to be fit for planting he put at 5 s., did not he?—I dare say you have the book there; I think so.

58. "Upon the 45,000 acres there is no timber growing?—There is none. Do you divide those 45,000 acres into portions of different values?—Yes. What portions?—There are 15,000 acres, which I put at 5 s. an acre, producing an annual value of 3,750 L., and 30,084, which I put at 1 s. 6 d. an acre;" is that so?—Yes.

59. Are there extensive commoners' rights upon the forest?—Yes, there are.

60. Do you know, as Mr. Joseph Hume has informed the public, that, under the direction of the Commissioners, notice to send in claims was given to the commoners?—I believe so; they received claims.

61. And in considerable numbers?—In considerable numbers.

62. And I dare say you think a good many unfounded ones?—I have not the smallest doubt of it.

63. Nor have I. Do you know, in point of fact, that since that invitation to send in claims was given by the Commissioners, the result has been that the exercise of rights of common has multiplied exceedingly; that the claims of common

mon have multiplied beyond all former precedent?—Since when?

64. Since the attention of the public was arrested by the notice to parties to send in their claims?—No. I am not aware of any increase, not of claims sent in to the Royal Commission.

65. You live near the New Forest, I think; you can answer the question?—Yes, I can answer the question, if I understand it.

66. It is my fault; they did distribute blank printed forms gratuitously?—Undoubtedly.

67. And in your judgment many very unfounded claims went sent in?—Yes.

68. Has it not been the fact that in prosecution of the same unrighteous desire to assert the right of common, an exercise has taken place consistent with those claims since?—Not more since than before that I am aware of.

69. You are not aware of that?—Not in the slightest degree; I should say decidedly not, that there are no more exercised since those claims were sent in than before.

70. Are you a commoner yourself?—No, I am not.

71. Where do you live?—I live in the middle of the forest.

72. Would it surprise you to find gentlemen who do know the forest, and are commoners, saying that the effect of giving out that notice has been to introduce persons upon the waste who had never been heard of before?—I should be very much surprised, because I have lived in the middle of the forest ever since that, and I have never heard of it, nor have I observed it myself, although I am in the constant habit of riding over the forest almost—

73. But, I suppose, you do not know whose donkey you see?—No; but I suppose I should be aware if there were more this year than last; at least, if there was anything very considerable.

74. Is there a right of cutting turf?—Many parties claim to do so.

75. Have they claimed ever since you were born, as far as you know, to cut turf, and have they cut it?—They have.

76. And furze?—Some parties are allowed to cut furze by paying for it.

77. And heath?—Some parties cut heath, permitted by the Lord Warden when the Lord Warden existed.

78. That is permissive only, you say; do you mean that in all cases it is a purchased or permissive right?—Permissive, as I understand.

79. Never claimed as a right?—It has been claimed as a right undoubtedly.

80. And fern?—I am not sure as to that; but I have always understood that fern is a privilege which the Lord Warden granted, and for which they pay so much, half-a-crown a piece.

81. Have you never known them claim fern free?—I have never seen any of the claims which were sent into this last Commission.

82. Digging of gravel?—Digging of gravel they pay for now; they used not to be made to pay for it; now they are made to pay for it.

83. There is a thing I do not understand; pannage, that is for the pigs?—That is pannage for swine.

84. And beach moss?—Beach moss or acorns.

85. They claim that?—Yes.

Re-examined by Mr. Alexander.

Mr.
Cumberbatch,
25 June
1851.

86. These Commissioners did not limit their inquiry to the depredations of the deer alone?—No.

87. They examined into all the rights or supposed rights existing over the forests?—They received claims from these parties.

88. And they did not limit that inquiry to any particular branch, but inquired into everything connected with the forest?—Everything connected with the forest, I think, is comprised in this report which I hold in my hand; it touches upon almost everything.

89. By the *Committee*.] Were you in the forest at the time that the Commissioners were there?—Yes, I was.

90. Were you present when the claims were sent in?—They were not sent in there at the court when the Commissioners were down there; they were sent, a great many of them, up to London; I was not present at that second court the second time they came down; I should not call it a court; the second time the Commissioners came down I was not present; the first time I was.

91. The Commissioners met at three different places, I think?—Yes; I was not present at either of those; that I recollect now; Lyndhurst, Lymington, and Ringwood, I think; I was not present at either of those; it was at the first that I was present when the Commissioners first came down; their preliminary meeting.

92. I think you have stated that there are a great many persons who exercise rights to a greater extent than they ought to do?—Undoubtedly, I believe it to be so.

93. Are you aware that there are hundreds of ponies sent down to be wintered after having been turned out on the forest in the summer?—I have never seen them; but I know they are pastured in various fields in the winter time; I have never seen any.

94. Did you never see any large quantity of the forest ponies in the pastures between Ringwood and Christchurch in the winter?—I never travelled between Ringwood and Christchurch; but I know that they are in various places; at Lymington I have seen a lot; about Lyndhurst you will see a lot.

95. What is the general rule as to the proportion the cotters are allowed to turn out, is it with regard to the quantity of land they hold?—I believe the proper rule is, at least it is generally so understood, as many as a man can keep in winter, but it appears that no regard or very little has been had to that, and he turns in as many as he pleases.

96. What situation do you act in?—I am deputy surveyor of the New Forest.

97. Have you any control over the number of cattle which are turned in?—That has hitherto been in the Lord Warden's department.

98. Who at present has the control?—Now, I have.

99. Since what time?—Since the Lord Warden has ceased to exist; there is no Lord Warden and no Lord Warden's steward, in fact it has only within a very few days come into my hands.

100. Since when?—Since a few days.

101. At what period you say since the Lord Warden's death; the late Lord Warden of the Forest was the Duke of Cambridge?—Yes.

102. He died a year ago?—Yes; thereabouts.

B 2

103. When

Mr. Cumberbatch. 103. When was this control placed in your hands?—Within these few days, just before I came to town, because the Lord Warden's steward, or the gentleman who was the Lord Warden's steward, has continued his duties up to this time, that is the reason it has not come into my hands until within these few days.

25 June
1851.

104. Who was the Lord Warden's steward?—At the time of the Duke of Cambridge's death, Major Stevens was the Lord Warden's steward.

105. And has he continued it until the other day?—He has.

106. And has it been his duty to see that the rights were exercised only properly?—It has been considered under the department of the Lord Warden, he did act under the Lord Warden, and there are three agistors of the forest who are forest officers, and it is their duty to turn the cattle into the forest and to mark them and take them back again, for which they receive 1s. a piece, I think, for the cattle; but a great quantity of cattle are turned into the forest without ever passing through these men's hands, and therefore they do not know what is or not turned in.

107. What means have you of ascertaining who the parties are who have a right to turn cattle into the forest?—I have none.

108. Then how do you propose to ascertain who are the parties who have the proper rights and who have not?—It would be a very difficult thing to ascertain them.

109. I think you stated that you had some control over the cattle turned out on to the forest, do you mean that you have any control or any power of preventing any person whatever claiming the right to turn out cattle on the forest, that you have the power in any way of preventing any person turning out?—If I am to perform the duties of the Lord Warden's steward, as I understand what the duties of the Lord Warden's steward are, they are to see that no one does turn out cattle on the forest who has not a right to turn them out.

110. Did you ever know the Lord Warden's steward prevent any person from turning cattle into the forest who claimed the right of so doing?—I never knew him exercise that duty.

111. Have you the power of doing it at all; who gives you the power of preventing any person turning cattle into the forest, any person claiming the right to turn them on?—If I could clearly show that a man had no right at all, I should bring him before the verderers, that is what I should consider my duty.

112. Do you imagine that the verderers have the power at all of preventing any person turning cattle into the forest who had made a claim before the Commissioners?—I do not see what a man's claim has to do with it, his simply claiming the right.

113. If a person has claimed before the Commissioners the right to turn cattle into the forest, have the verderers the power of preventing him until these claims have been adjudicated upon?—That is a matter for the lawyers, I think; I could not answer such a question as that; I should imagine, certainly, that he had. If the verderers were clearly of opinion that the man had no right to turn on to the forest, I am of opinion, so far as common sense goes, that they have the right to prevent it.

114. What power have they of preventing it?—There is an Act of Parliament regulating the pasture in the forest, and certain other Acts.

115. Suppose a person claims the right to turn anything into the forest until that claim is adjudicated upon, can he be prevented?—That is really a legal question which I cannot say anything about; I should say the common sense of the matter would be that undoubtedly the verderers could prevent it.

116. Have you any doubt that there is some limit to the right of parties to turn cattle into the forest?—Undoubtedly.

117. Fixing the limit in any particular case may be difficult, but have you any doubt that all the world has not a right to turn cattle into the New Forest?—I am clear about that.

[The Witness withdrew.]

Mr. Talbot was heard to address the Committee against the preamble of the Bill.

JOHN GARDINER, Esq., further Examined by the Committee.

J. Gardiner,
Esq.

118. THE Act with regard to Alice Holt appears to be nearer to the case immediately before us than any other, is it not?—The Bill has been prepared by me almost in the very terms of the Alice Holt Act, with the exception of one clause which is taken from the Windsor Forest Inclosure Act. I am wrong; that is as to the Forest of Waltham. This is precisely the principle of the Alice Holt Act.

119. Mr. Talbot.] It is no such thing?—Alice Holt was an entire disafforestation; this is not an entire disafforestation; Alice Holt took 1,600 acres out of 2,500; this takes 14,000 out of 93,000.

120. By the Committee.] In all the cases which you have gone through, those of Delamere and Parkhurst, and Exmoor, and Brecknock, and Windsor, there has been something tantamount or equivalent to an inclosure, and to an adjustment of the rights of other parties contemporaneously with the arrangement by the Crown,

but in Alice Holt it appears to have been in some degree different; what I wanted to ask you was this; there was a certain part and a considerable part given to the Crown?—Yes.

121. There was a certain part, 800 acres, left to other parties?—Yes.

122. Were the rights of the Crown altogether extinguished over those 800 acres?—They were entirely.

123. Then were the rights of the Crown so far extinguished that, as I understand you to say, the parties who were left in possession of those 800 acres have now proceeded under the General Inclosure Act to inclose them amongst themselves, the Crown taking no part in the inclosure?—I believe it is at this moment pending; the Crown has not the least part whatever in that inclosure.

124. Mr. Alexander.] They claim the timber?—They have no interest in the timber; the timber has been all cut.

125. By

125. By the *Committee*.] In the Act itself it is "saving also to His Majesty, his heirs, and successors, all timber and other trees, underwood, bushes, hollies and thorns, heritors and standils, standing and being in or upon the said remaining quantity of 827 acres, or any part thereof, with full power to cut down and carry away the same, or otherwise to dispose thereof;" what did the Crown do with it?—It cut it all down and carried it away, and left the common to the commoners.

126. Then it cut down the timber and carried it away?—Yes.

127. But it left the land free of all other claims?—Free of all other claims entirely.

128. In the case of the New Forest, which is now before us, you do not leave that part which is left uninclosed, and to other parties in the same situation that you left those 800 acres in Alice Holt?—Certainly not; I retain the right of soil, which would give the Crown, I suppose, 1-14th or 1-16th; 2-32nds it had before; it is the mere manorial or seigniorial right of soil; the Crown would have no other forestal right; as regards the forest, it is completely destroyed. The Crown would then be entitled simply as a lord of the manor to take its allotment in respect of its right of soil, which would be 1-14th or 1-16th, about what the lord generally takes. I do not interfere with the timber in the New Forest. If you were to cut the timber down at this moment, and entirely denude it, then the Crown would take its 2-32nds, or whatever it was, in addition; then it would take the power of cutting the old timber; that would necessarily follow; so that it would be some considerable time before the common would be open to the commoners as a whole.

129. In the case of Alice Holt, did you ascertain from the parties what their rights and claims were?—That was long before my time, but I certainly apprehend that they were not ascertained, because I believe that they are now disputing about the rights before the Inclosure Commissioners.

130. Mr. *Talbot*.] Do you know anything about it?—I do know everything about it.

131. I thought you said it was before your time?—Undoubtedly, but I know there are now plenty of claimants who have no more right than the claimants you represent have.

132. You should be a little careful. Do you mean to say that the Duke of Buccleuch has no right?—I said nothing about the Duke of Buccleuch's rights; I am not speaking of the Duke of Buccleuch's farm, but the claims upon the New Forest generally.

133. By the *Committee*.] Do you consider, as far as this case of Alice Holt goes, which is produced as a precedent, that the case of the claims of all parties who had any interest in these 800 acres was left in the same situation as the parties will be left in in the New Forest who have claims upon that part which is left in open common?—Precisely as regards the rights of common; in precisely the same position.

134. Mr. *Talbot*.] Are they not, at all events, discharged of the Crown's rights now that the timber is cut?—I have stated that the Crown has no right whatever over that open common, that it took 1,600 acres out of 2,400 for its own share in Alice Holt; it is the freehold in severalty absolutely and for ever.

135. Is it not the fact that under the present Bill, under the section which I read just now to

the Committee, the 7th Section, you propose to reserve the Crown's rights upon the residue which shall be left?—The Crown's rights are very clearly defined upon the residue; its right of soil as lord of the manor, equivalent to that. The forestal right will be gone; the Crown will have its right of soil and right of timber.

136. With that exception, all rights of the Crown included upon the soil will be reserved?—With what exception?

137. The forestal rights?—I say as regards the residue, the Crown will be simply in the position of a lord of the manor, entitled to the sale of the timber.

138. I do not ask you what the rights are; are they not reserved?—Certainly.

139. Do you reserve the right to go on enclosing from time to time under the old Acts of Parliament?—No, certainly not; the allotment which is taken is 14,000, to go on enclosing from time to time; it is not a permanent allotment.

140. Have you not the right under the old Acts of Parliament as timber is thrown out, as it is called, as plantation is thrown out, to enclose other?—Certainly.

141. Is that right excepted from the reservation?—Certainly not; the 14,000 now will be removed in the same way from time to time; it is not a freehold allotment in severalty to the Crown for ever.

142. Is it a fact that the land, when enclosed and planted, and in such a state that the timber is thrown out, is wholly valueless for the purposes of a common?—I cannot speak to that; you must get that from the commoners.

143. You do not know that?—I do not know it of my own knowledge; I only speak of my own knowledge.

144. By the *Committee*.] If in the course of this operation first of all, of taking in these 14,000 acres, you enclosed land which should be suitable, and then proceeded to enclose other, and in that way ultimately turned the whole into wood, how would the land in that case be for those who had rights of turning in cattle upon it?—I am sure I do not know; it must be centuries before that is done; I really cannot tell. A great deal of it would not grow timber, I believe. In the Forest of Dean the Crown had 22,000 acres. It then had a right to inclose 11,000; it has inclosed 20,000 acres, and might inclose every inch of the forest. I believe, strictly speaking, the forestal right of the Crown is to cover every bit of it with timber which will grow timber, and that the common right is subservient to the forestal right.

145. Then you propose to give up the right of the Crown to plant timber upon the rest except 20,000 acres?—Precisely.

146. Mr. *Talbot*.] That is not so?—It is so.

147. By the *Committee*.] You now propose to plant 14,000 acres?—Or 1,000, or whatever it may be.

148. To take power to plant 14,000 acres?—Yes.

149. Then comes the question how far it is particularly in analogy with this case of Alice Holt; you say that the Crown would be dispossessed of all its forestal rights over the rest?—Yes; that is as to the deer and the rights of chase.

150. But it would not be dispossessed of its right of planting trees?—Certainly not.

151. Which you call also a forestal right?—It would not be dispossessed of its right under the

J. Gardiner,
Esq.
25 June
1851.

J. Gardiner,
Esq.

25 June
1851.

48 Geo. 3, c. 72, or its right under this Act of Parliament; clearly those two rights would exist.

152. *Mr. Talbot.*] I do not know whether you understand your own Bill or not, but I will put this question to you: is there not a provision in section 3 of your Act, "That it shall be lawful for the Crown to inclose, sever, and improve and plant with trees of any kind within and out of the waste lands of the said forest, in whole or in part, any quantity of land not exceeding 14,000 acres in the whole, in addition to the 6,000 acres already in inclosure, or which shall be inclosed as aforesaid in the said forest, under or by virtue of the Acts of Parliament in that behalf hereinbefore mentioned, and so that there shall not be more than 20,000 acres (inclusively of the said 6,000 acres in the said forest) inclosed and held in severalty as aforesaid at one and the same time?"—That is quite right; that is just what I have stated.

153. Then I misunderstood you; I thought that *toties quoties* you claimed the right to throw out and inclose again 6,000 acres?—Most undoubtedly; the 48 Geo. 3 is not repealed.

154. Six thousand acres under the former Act and 14,000 here; so that the Crown, if so minded, would have the liberty to cover the whole worth planting with trees?—That it can do at this hour under the law as it at present exists.

155. Certainly not?—I beg your pardon, it can; that it can do in process of time.

156. That is to say, it can take 6,000 acres now, and when this Bill is passed it can take 20,000?—No; it has the right to take 6,000 now, and it may plant and re-plant 6,000 till every acre of the forest is covered with timber.

157. I quite admit that; it will plus that now with 14,000?—Precisely, for the destruction of the deer.

[The Witness withdrew.]

Mr. Talbot was further heard to address the Committee upon the *Alice Holt* case.

The Committee-room was cleared.

After some time, the counsel and parties were again called in and informed by the Chairman that the Committee had unanimously decided that the preamble of the Bill was proved.

Mr. Johnson stated that it was not the intention of the Petitioners to offer any further opposition to the Bill or to take any further step in its progress through the Committee, as they should reserve their opposition for another place.

[Adjourned to To-morrow at 12 o'clock.]

Jovis, 26^o die Junii, 1851.

JOHN EVELYN DENISON, ESQ., IN THE CHAIR.

26 June
1851.

THE Committee-room was cleared.

After some time the counsel and parties were again called in, and informed by the Chairman that the Committee would proceed with the Bill clause by clause.

The clauses were severally read and passed, with amendments.

Mr. Alexander brought up two manuscript clauses, A. and B., which were agreed to.

The Chairman was directed to report the Bill, with its amendments, to the House.

Jovis, 17^o die Julii, 1851.

JOHN EVELYN DENISON, ESQ., IN THE CHAIR.

17 July
1851.

Mr. Phinn stated that, with the consent of all parties, some alterations had been made in the Bill, and some additional clauses introduced, for the purpose of reducing the quantity of land to be inclosed in lieu of the removal of the deer from 14,000 acres to 10,000, and of constituting a machinery for ascertaining the clauses of right of common over the forest, and having them adjudicated upon, and a register of them made so as to be conclusive in all time coming.

The proposed clauses were read and, after discussion, the Bill as amended was agreed to.

NEW FOREST DEER REMOVAL, &c. BILL (1851)

REPORTS

FROM THE
SELECT COMMITTEE

ON THE

NEW FOREST DEER REMOVAL, &c.
BILL,

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

SESSION 1851.

*Ordered, by The House of Commons, to be Printed,
5 May 1875.*

192.

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R E P O R T
FROM THE
S E L E C T C O M M I T T E E
ON
POLICE SUPERANNUATION FUNDS;
TOGETHER WITH THE
PROCEEDINGS OF THE COMMITTEE,
MINUTES OF EVIDENCE,
AND APPENDIX.

*Ordered, by The House of Commons, to be Printed,
23 July 1875.*

Thursday, 18th March 1875.

Ordered, THAT a Select Committee be appointed to inquire into the Police Superannuation Funds in the Counties and Boroughs of England and Wales, and the Acts creating and regulating the same, and to report to the House whether any, and, if any, what alterations or amendments in the Law are required.

Tuesday, 23rd March 1875.

Committee nominated of—

Mr. Biddulph.
Mr. Cotes.
Mr. Cowper.
Mr. Gourley.
Mr. Leeman.
Mr. Grantham.

Mr. Torr.
Mr. Scourfield.
Major Fairfax Cartwright.
Colonel Dyott.
Sir Henry Selwin-Ibbetson.

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Monday, 7th June 1875.

Ordered, THAT it be an instruction to the Committee, That they have power to inquire into the Superannuation Funds of the Metropolitan and City Police Forces, and the Acts creating and regulating the same.

Friday, 23rd July 1875.

Ordered, THAT the Committee have power to report their observations, together with the Minutes of Evidence taken before them, to The House.

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R E P O R T.

THE SELECT COMMITTEE appointed to inquire into the POLICE SUPERANNUATION FUNDS in the COUNTIES and BOROUGHs of *England* and *Wales*, and the ACTS creating and regulating the same, and who were instructed to inquire into the SUPERANNUATION FUNDS of the METROPOLITAN and CITY POLICE FORCES ;—HAVE considered the matters to them referred, and have agreed to the following REPORT :—

YOUR Committee have examined many witnesses both as to the present condition of these funds and with a view of ascertaining whether any alterations in the existing Acts would be desirable.

They have also, at the suggestion of one of the witnesses, Dr. Farr, caused circulars to the different police authorities to be issued, so as to procure more reliable information as to some of the changes suggested in evidence ; and as some time may elapse before these returns will be before them, they have agreed to report the Evidence they have taken to the House, with an Appendix, and to recommend that the Committee be re-appointed at the commencement of next Session to complete the inquiry.

23 July 1875.

PROCEEDINGS OF THE COMMITTEE.

Monday, 26th April 1875.

MEMBERS PRESENT:

Sir Henry Selwin-Ibbetson. Mr. Biddulph. Mr. Cotes. Major Fairfax Cartwright. Colonel Dyott.		Mr. Torr. Mr. Grantham. Mr. Leeman. Mr. Gourley.
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. Sir HENRY SELWIN-IBBETSON was called to the Chair.

The Committee deliberated.

[Committee adjourned till Friday next, at Twelve o'clock.]

Friday, 30th April 1875.

MEMBERS PRESENT:

Sir HENRY SELWIN-IBBETSON in the Chair.

Colonel Dyott. Mr. Biddulph. Major Fairfax Cartwright. Mr. Leeman. Mr. Grantham.		Mr. Cotes. Mr. Gourley. Mr. Cowper. Mr. Scourfield. Mr. Torr.
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Captain *Willis*, Colonel *Cobbe*, and Captain *Elgee*, were severally examined.

[Committee adjourned till Tuesday next, at Twelve o'clock.]

Tuesday, 4th May 1875.

MEMBERS PRESENT:

Sir HENRY SELWIN-IBBETSON in the Chair.

Mr. Torr. Major Fairfax Cartwright. Mr. Cowper. Mr. Grantham. Mr. Gourley.		Colonel Dyott. Mr. Scourfield. Mr. Biddulph. Mr. Leeman.
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Captain *Forrest*, Captain *Christian*, Mr. *Thomas Breary*, Mr. *John Allison*, and Major *Warner*, were severally examined.

[Committee adjourned till Friday next, at Twelve o'clock.]

Friday, 7th May 1875.

MEMBERS PRESENT:

Sir HENRY SELWIN-IBBETSON in the Chair.

Colonel Dyott.	Mr. Grantham.
Mr. Cotes.	Mr. Gourley.
Major Fairfax Cartwright.	Mr. Torr.

Mr. R. Hitchman, Mr. G. Glossop, Captain Congreve, Colonel Bruce, and Mr. J. Jackson, were severally examined.

[Committee adjourned till Tuesday next, at Twelve o'clock.]

Tuesday, 11th May 1875.

MEMBERS PRESENT:

Sir HENRY SELWIN-IBBETSON in the Chair.

Colonel Dyott.	Mr. Biddulph.
Major Fairfax Cartwright.	Mr. Scourfield.
Mr. Leeman.	Mr. Gourley.
Mr. Grantham.	Mr. Torr.
Mr. Cowper.	

Mr. J. Dunne, Mr. G. L. Fenwick, Superintendent George Coxhedge, Superintendent William Stoker, and Mr. T. F. Molyneux, were severally examined.

[Committee adjourned till Tuesday the 25th instant, at Twelve o'clock.]

Tuesday, 25th May 1875.

MEMBERS PRESENT:

Sir HENRY SELWIN-IBBETSON in the Chair.

Mr. Scourfield.	Mr. Biddulph.
Mr. Cotes.	Mr. Torr.
Mr. Gourley.	Colonel Dyott.
Mr. Leeman.	Mr. Cowper.
Major Fairfax Cartwright.	

Mr. C. R. Jacson, Sir Frederick Fowke, Bart., Constable J. Chambers, Constable Samuel Smith, Superintendent Thomas Gibson, Major Edward Herbert, Sub-Inspector William Huntly, and Constable Edward Green, were severally examined.

[Committee adjourned till Friday next, at Twelve o'clock.]

Friday, 28th May 1875.

MEMBERS PRESENT:

Sir HENRY SELWIN-IBBETSON in the Chair.

Colonel Dyott.	Mr. Grantham.
Major Fairfax Cartwright.	Mr. Scourfield.
Mr. Gourley.	Mr. Torr.
Mr. Cotes.	

Mr. W. K. Wait (a Member of the House), Mr. Charles M. Griffiths, Mr. Isaac Wilson, and Mr. Alderman Marriot, were severally examined.

[Committee adjourned till Tuesday next, at Twelve o'clock.]

Tuesday, 1st June 1875.

MEMBERS PRESENT :

Sir HENRY SELWIN-IBBETSON in the Chair.

Mr. Cotes.
Colonel Dyott.
Major Fairfax Cartwright.
Mr. Biddulph.

Mr. Torr.
Mr. Leeman.
Mr. Cowper.
Mr. Scourfield.

Major Greig, the Rev. G. Wilkinson, Mr. J. Bishop, Dr. William Farr, Captain Hill, and Serjeant William Bursnall, were severally examined.

[Committee adjourned till Friday next, at Twelve o'clock.]

Friday, 4th June 1875.

MEMBERS PRESENT :

Sir HENRY SELWIN-IBBETSON in the Chair.

Mr. Sourley.
Mr. Cotes.
Major Fairfax Cartwright.

Mr. Torr.
Mr. Scourfield.

Mr. William Lambert, Mr. Alfred Norman, Mr. J. H. Brown, Serjeant James Curtis, Constable Robert Nichols, and Constable John Carr, were severally examined.

[Committee adjourned till Friday next, at Twelve o'clock.]

Friday, 11th June 1875.

MEMBERS PRESENT :

Sir HENRY SELWIN-IBBETSON in the Chair.

Colonel Dyott.
Major Fairfax Cartwright.
Mr. Cotes.

Mr. Scourfield.
Mr. Torr.
Mr. Grantham.

Mr. W. Henderson, Constable Ephraim Kershaw, Mr. Alderman Mantön, Colonel Fraser, Colonel Labalmondiere, Superintendent James Mott, Chief Inspector George Turner, Constable John Varney, Constable Charles Waite, Constable James Clarke, and Constable Alfred Speller, were severally examined.

[Committee adjourned till Friday next, at Two o'clock.]

Friday, 18th June 1875.

MEMBERS PRESENT :

Sir HENRY SELWIN-IBBETSON in the Chair.

Colonel Dyott.
Major Fairfax Cartwright.
Mr. Cowper.
Mr. Cotes.

Mr. Gourley.
Mr. Scourfield.
Mr. Torr.

Sir Thomas Henry was examined.

The Committee deliberated.

[Committee adjourned till Friday, 23rd July, at Twelve o'clock.]

Friday, 23rd July 1875.

MEMBERS PRESENT :

Sir HENRY SELWIN-IBBETSON in the Chair.

Mr. Scourfield.
Colonel Dyott.

Mr. Cowper.
Major Fairfax Cartwright.

The Committee deliberated.

Report read, and *agreed to*.

Ordered, To Report, together with Minutes of Evidence and Appendix.

EXPENSES OF WITNESSES.

NAME of WITNESS.	Profession or Condition.	From whence Summoned.	Number of Days Absent from Home, under Orders of Committee.	Expenses of Journey to London and back.	Allowance during Absence from Home.	TOTAL Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Willis, Captain - -	Inspector of County and Borough Police.	Cheltenham - - -	2	2 5 -	2 2 -	4 7 -
Cobbe, Lieut. Col. C. A. -	Inspector of County and Borough Police.	Peterborough - - -	2	1 6 -	2 2 -	3 8 -
Elgee, Captain - - -	Inspector of County and Borough Police.	Northallerton - - -	2	3 10 -	2 2 -	5 12 -
Forrest, Captain - - -	Chief Constable of Hampshire	Winchester - - -	2	1 6 -	2 2 -	3 8 -
Christian, Captain - - -	Chief Constable of Gloucestershire.	Cheltenham - - -	2	2 4 -	2 2 -	4 6 -
Breary, Mr. T. - - -	Head Constable - - -	Southampton - - -	2	1 8 6	2 2 -	3 10 6
Allison, Mr. J. - - -	Head Constable - - -	Swansea - - -	3	3 18 -	3 3 -	7 1 -
Warner, Major - - -	Chief Constable of Bedfordshire.	Bedford - - -	1	- 17 -	1 1 -	1 18 -
Congreve, Captain - - -	Chief Constable of Staffordshire.	Stafford - - -	2	2 4 -	2 2 -	4 6 -
Hitchman, Mr. R. - - -	Head Constable - - -	Norwich - - -	2	2 2 -	2 2 -	4 4 -
Gleeson, Mr. G. - - -	Head Constable - - -	Birmingham - - -	2	1 17 -	2 2 -	3 19 -
Brace, Colonel - - -	Chief Constable of Lancashire	Preston - - -	3	3 - -	3 3 -	6 3 -
Jackson, Mr. J. - - -	Head Constable - - -	Sheffield - - -	2	2 5 -	2 2 -	4 7 -
Dunne, Mr. J. - - -	Chief Constable of Cumberland.	Carlisle - - -	3	4 13 -	3 3 -	7 16 -
Feawick, Mr. G. L. - - -	Head Constable - - -	Chester - - -	2	2 15 -	2 2 -	4 17 -
Coxhedge, George - - -	Superintendent - - -	Royston - - -	1	- 18 -	- 10 -	1 8 -
Stoker, William - - -	Superintendent - - -	Kettering - - -	1	1 2 -	- 10 -	1 12 -
Molyneux, Mr. T. F. - - -	Editor of "Police Guardian"	Windsor - - -	1	- 10 -	1 1 -	1 11 -
Jackson, Mr. C. R. - - -	Chairman of County Constabulary Committee, Lancashire.	Preston - - -	3	3 1 -	3 3 -	6 4 -
Gibson, Thomas - - -	Superintendent - - -	Leeds - - -	3	2 3 -	1 10 -	3 13 -
Chambers, James - - -	Constable - - -	Slough - - -	1	- 9 -	- 7 -	- 16 -
Smith, Samuel - - -	Constable - - -	Lowestoft - - -	3	1 16 -	1 1 -	2 17 -
Huntly, William - - -	Sub-Inspector - - -	Sunderland - - -	3	3 3 -	1 10 -	4 13 -
Fowke, Sir Frederick, Bart.	Chairman of Quarter Sessions	Leicester - - -	2	1 10 -	2 2 -	3 12 -
Herbert, Major Edmund -	Chief Constable, Monmouthshire.	Abergavenny - - -	3	2 15 -	3 3 -	5 18 -
Green, Edward - - -	Constable - - -	Birmingham - - -	2	1 8 -	- 14 -	2 2 -
Marriot, Mr. James - - -	Alderman - - -	Coventry - - -	2	1 11 -	2 2 -	3 13 -
Wilson, Mr. Isaac - - -	Chairman of Watch Committee.	Middlesborough - - -	3	3 15 -	3 3 -	6 18 -
Greig, Major - - -	Chief Constable, Liverpool -	Liverpool - - -	3	3 1 -	3 3 -	6 4 -
Hill, Captain - - -	Chief Constable, West Riding, Yorkshire.	Northallerton - - -	3	3 9 -	3 3 -	6 12 -
Burnsall, William - - -	Serjeant - - -	Northampton - - -	2	- 18 -	- 14 -	1 12 -
Brown, Mr. J. H. - - -	Corporation Accountant -	Sunderland - - -	3	4 2 -	3 3 -	7 5 -
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Norman, Mr. Alfred - - -	Mayor - - -	Devonport - - -	3	4 17 -	3 3 -	8 - -
Nichols, Robert - - -	Constable - - -	Sheffield - - -	3	1 19 -	1 1 -	3 - -
Carr, John - - -	Constable - - -	Liverpool - - -	3	2 7 -	1 1 -	3 8 -
Curtis, James - - -	Serjeant - - -	Widnesbury - - -	2	1 11 -	- 14 -	2 5 -
Henderson, Mr. W. - - -	Head Constable - - -	Leeds - - -	3	2 16 -	3 3 -	5 19 -
Kershaw, Ephraim - - -	Constable - - -	Leeds - - -	3	2 3 -	1 1 -	3 4 -
Manton, Mr. Henry - - -	Alderman - - -	Birmingham - - -	2	1 17 -	2 2 -	3 19 -
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MINUTES OF EVIDENCE.

Friday, 30th April 1875.

MEMBERS PRESENT:

Mr. Biddulph.
Mr. Fairfax Cartwright.
Mr. Cotes.
Mr. Cowper.
Colonel Dyott.
Mr. Gourley.

Mr. Grantham.
Mr. Leeman.
Mr. Scourfield.
Sir Henry Selwin-Ibbetson.
Mr. Torr.

SIR HENRY SELWIN-IBBETSON, BART., IN THE CHAIR.

Captain EDWARD WILLIS, called in ; and Examined.

Chairman.

Chairman—continued.

Captain
E. Willis.
30 April
1875.

1. You are Inspector, I think, of the Southern Division of the country?—I am.

2. Your attention has been for some years directed, I believe, to this question of the superannuation of the forces in your district?—It has.

3. Does a superannuation fund exist now in most of those forces?—In most of the forces the fund does exist.

4. Do you think a fund of that kind advantageous or essential to the efficiency of a force?—Very much so indeed.

5. Are the funds of the different forces in your division, at present, in a satisfactory condition?—Some are, but others are not.

Colonel Dyott.

6. Are you speaking of the counties or boroughs?—I am speaking of both.

Chairman.

7. Can you point out to the Committee whether it is in counties or in boroughs that the unsatisfactory state exists?—I think it exists in both counties and boroughs.

8. Perhaps it would be as well to put forward first before the Committee the manner in which those funds are made up; will you state to the Committee what are the contributions and other means of maintaining the funds?—The first contribution is the 2½ per cent. which the men themselves pay to the fund.

9. Is that contribution general at that rate?—There are some forces which have a less rate than that in the boroughs, but in all the English counties in the south district the rate is 2½ per cent., in Glamorganshire the rate is 1½, and in Pembrokeshire 1¼ per cent.

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10. As I understand, the Act fixes 2½ per cent. as the maximum deduction?—Yes.

11. Some boroughs have diminished that rate, have they not?—Yes.

12. There are other means, I think, of supplying the funds?—The Act provides stoppages from pay during sickness, fines imposed upon constables for misconduct, and the proceeds of the sale of old clothing, and in boroughs any fee payable to any constable for service performed in the execution of his duty, that is under 22 & 23 Vict. c. 32, s. 11.

13. Are there not also some of the moieties of fines which used to be given to informers, which are now at the option of the magistrates, paid to the police funds?—Yes.

14. Are there many such fines?—They vary in different counties; the magistrates can give such portions of the fines as they choose, and in some counties they give the full proportion, in others they do not.

15. That is to say, that the fines vary in counties because the magistrates act differently under the Acts?—Because the magistrates act differently under the Acts.

16. But the Acts all give the power to magistrates in counties to appropriate such portion of such fines to the maintenance of the fund?—Yes, they do.

Colonel Dyott.

17. Where those stoppages do not go to the superannuation fund, do they go the police rate?—I presume they go to the police rate or to the county rate.

Chairman.

18. They go to the county rate, I believe, and the

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Captain
E. Willis.
—
30 April
1875.

Chairman—continued.

the difference at present existing is that in boroughs, in addition to fines, and in addition to stoppages and payments by the men, there are certain sums which go to the police superannuation fund from the services, as it is called, of the police constables?—Yes.

19. For serving warrants?—Yes, for the service of summons, warrants, and license notices; in many of the boroughs the fees go to the superannuation fund.

20. There have been within the last few days returns made by the police officers of the different districts, showing the present state of those funds?—Yes.

21. Have you seen those returns?—I have not seen those which have been collected by the Government.

22. But, to your knowledge, a great many of those funds are in so unsatisfactory a state that they are approaching a state of bankruptcy, if they are not bankrupt already?—Some are, and in some the payments very far exceed the receipts.

23. Are those in counties or in boroughs?—In counties and boroughs too.

24. Can you point out to the Committee any reason which you could give for the different states of those funds in the different counties?—It arises in some of the counties from the chief constables having been changed, as for instance, in Wiltshire, where a large number of men have been pensioned since the new chief constable was appointed three or four years ago, and those men have become a heavy charge upon the fund, and the payments are now 500*l.* or 600*l.* a year more than the receipts, and the fund is decreasing by that amount every year.

25. You trace the failure, in this instance, of that fund more to the discretion of the constable with regard to superannuating his men?—Most undoubtedly it depends upon that. His predecessor had not pensioned any men for several years, and upon the new chief constable finding many of those men too old and inefficient, he immediately got them discharged with a pension, and that brought a heavy charge upon the fund.

26. At present, as I understand, the recommendation for pensions entirely rests with the chief constable?—Yes.

27. Or with the constable of the borough?—Yes.

28. Therefore it is left entirely to their discretion to say at what period of life or service a man is unfit for work?—Certainly.

29. When these funds are exhausted, that is to say, when the whole of the fund is spent, the rates come in under the Act to supply the deficiency, do they not?—Yes.

30. So that, practically, the superannuation fund simply stands, as I may say, between the rates and the man?—Yes.

31. But it is a fund made up of sums which otherwise, in a great measure, would have been contributed to the rates?—Yes.

32. Under what conditions are pensions now granted to men?—They are granted in a different manner, that is to say, the amounts vary in different forces. The Act provides that an officer may be pensioned after 15 years' service, provided he is certificated by the police surgeon to be unfit for further service, and is recommended by the chief constable as having been

Chairman—continued.

diligent in his duty; he may be pensioned with one-half of his pay, but in some forces they do not give that; it is discretionary with the magistrates. For instance, in Gloucestershire, they do not give that scale; they give a scale very nearly approaching the metropolitan scale, which comes to about a third for 15 years' service, and increasing for 16 years by so much more; for 17 years' service, by so much more, and so on, and for a very long service so much more.

33. Is there any period at which that increment finishes; does it go from 15 years to a given period?—Till they arrive at two-thirds of their pay.

34. Then are they allowed to retire from the service?—They are allowed to retire from the service conditionally.

35. Independently of the age of 60 years?—No, they must be 60 years of age, unless certified by the surgeon to be incapacitated from further service.

36. Then no man at present in the force has any right whatever, as I understand it, to claim discharge upon any terms?—No.

37. But under the Act a man may be recommended by his chief constable, when he is 60 years of age, for a pension of two-thirds of his pay?—Yes.

38. And the intervals of service between 15 years' service and that time are paid by a scale?—They are in Gloucestershire; but the present Act provides for 15 years' service, and 20 years' service; there is no intermediate scale between the half-pay and the two-thirds.

39. But both the 15 years' service and the 20 years' service require a medical certificate, as well as the recommendation of the chief constable?—That is so.

40. Under 15 years' service a constable incapacitated for duty is not entitled to a pension?—He is not entitled to a pension.

41. But he is entitled, I believe, if recommended, to a gratuity?—He is entitled to a gratuity, if recommended.

42. The gratuity varying in many instances according to the number of years' service?—Yes, according to the number of years' service, and, generally speaking, upon the recommendation of the chief constable.

Mr. Cowper.

43. When a man comes to 60, is he entitled to a pension, or is he entitled to it only on recommendation?—He would be entitled to a pension upon the recommendation of the chief or head constable; that is founded upon the 10th clause of 22 & 23 Vict. c. 32, which says, "It shall be lawful for the watch committee of any borough, if they think fit, with the approbation of the council, and upon the recommendation of the chief or head constable; and upon his certifying that any constable belonging to the police force of the borough, who has not served so long as 15 years, is incapable from infirmity of mind or body to discharge the duties of his office, to order that such constable shall receive, out of the superannuation fund, such sum, in gross, as a gratuity upon his retirement, as to the said watch committee may seem proper."

Chairman.

44. Is there any limit to the age at which constables are enlisted?—The Secretary of State's rule

Chairman—continued.

rule provided that a man should not be over 35 years of age; those rules only apply to counties, they do not apply to boroughs.

45. Therefore in boroughs there is nothing to prevent a man being enlisted at an advanced period of life?—No.

46. Does not that fact place the men who join the force young at a great disadvantage?—Yes, it does; it makes their service a great deal longer.

47. Because, whereas at 60 they can claim a pension, naturally the younger man has a much longer service under those conditions than the man who joins over a certain age?—Quite so.

48. Can you give the Committee any idea up to what age you consider a constable still an active serviceable man?—I should think that 50 years would be the outside, generally speaking; but there are men considerably older than that in the service.

49. At present there are a very large number of the force who are over 50 years of age, are they not?—Yes.

50. What is the ordinary amount of work which a constable is required to do upon his beat?—Nine to ten hours of service is generally the time.

51. Out of the 24?—Yes, that is the general average service; sometimes they serve 10 hours a day.

52. Therefore a service of that sort of nine hours is a severe trial to a man who is approaching 60, or over 60, in a general way?—Certainly.

53. Do the pensions and gratuities vary very much in your district in the different forces?—Yes, they vary from one-third to one-half for 15 years' service.

54. What I meant by the question was, that the different forces coming before different sets of magistrates, and recommended by different chief constables, vary very much in the rates of pensions which are assigned to the men?—They do vary to some extent, because in some districts the magistrates follow what the Act provides, in others they do not; they give a less amount.

55. Is there any appeal from that decision on the part of the men?—None.

56. Do the men complain of that?—The men would like to have a fixed amount of pension for a fixed amount of service; that is what their great anxiety is.

57. The men wish to have some certainty with respect to their future prospects?—Yes, they wish to have some certainty of that sort.

58. Do you think there is any truth in the statement which has very often been made, that there is some difficulty in recruiting men at the present time?—Yes, I think there is a difficulty, but I do not think that young men coming into the service at all think of the superannuation. I do not think that that is a point which they take into consideration.

59. You think that when the men first join, the superannuation fund and its prospects have very little influence upon them?—That is my opinion, certainly.

60. Supposing there were a certainty of pension after a fixed period of service, do you think that state of things would be changed?—I think it would induce men to join the service, because the constables and the officers would tell men offering for service that there would be a fixed

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Chairman—continued.

pension after a certain number of years' service.

61. I suppose then the officers in the force would be recruiting serjeants to a great extent?—Yes; I think it would operate certainly in that direction.

Colonel Dyott.

62. Do I understand you to say that recruits upon joining the force do not take into account the superannuation fund?—I believe they do not. I think myself that the pension is so small and so remote that it does not influence recruits upon joining, but I think after some years' service it does influence them.

Chairman.

63. Under the present system, after a man has been some time in the force, the future prospect of a pension comes into play with regard to his feelings for remaining in the force?—Yes, I believe so.

64. And that you believe would be altered if a permanent system were placed before him at the commencement of his entering the service?—I think if the pensions were certain it would afford an inducement to men to enter the service, and after some little service it would have the effect of keeping them in the service.

65. There is no doubt that the great object of getting men into the police force is to get men who will remain in your force for a length of service?—No doubt.

66. Not only because they will have learnt their duty, and will have become more valuable when they have learnt it, but because their local experience will be valuable?—Yes, I know there is a difference of opinion between chief constables about giving the superannuation. Some chief constables think that giving the superannuation has an influence in bringing men into the service.

67. The rate of pay in different forces has been raised lately, has it not?—Very much so.

68. In those cases, do you think the operation of a fund established upon length of service would tend to increase the certainty of the men remaining?—I think it would make the service more popular if there were a certainty of superannuation.

69. That is to say, notwithstanding the rate of wage, however high that may be, the men are looking to the time when they leave the force; they spend their wage as it comes, and the inducement would be greater to remain in the force if they had something to look to after retirement?—Certainly.

70. In that case you would be able to enlist men on better terms with regard to pay if you had that inducement?—I think so.

71. Do you think there is any difference between the scale of pensions given where a fund exists, and where the rate is directly liable for it?—I do not think there is much difference in those cases.

72. Then if the pensions were charged directly upon the rates, you believe the same terms of pension would be given as if they came from the fund?—I do; I think it has been so hitherto, where the funds have failed.

73. In all those boroughs or counties where at present the rates are charged with the pensions, owing to the fund being exhausted, there is no complaint of the rate of the pension having been

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lowered,

Captain
E. Willis.
30 April
1875.

Captain
E. Willis.
30 April
1875.

Chairman—continued.

lowered, is there?—No, I think there are no counties that have exhausted their funds, but there are boroughs.

74. I understand you to state that it was both in counties and boroughs?—No, I think that is not the case as regards counties.

Mr. Grantham.

75. Do I understand you that there are no counties in which the pensions go upon the rates at all?—There are no counties in which the funds are exhausted in my district.

76. But that does not quite answer my question; are there no counties in which they go upon the rates to supplement the fund?—I think not.

Chairman.

77. Is it not necessary that the fund should be entirely exhausted before the rates can be applied to in any instance?—Yes.

78. And therefore although many of the funds are what Dr. Farr would call bankrupt, that is to say, where their expenditure exceeds their annual income, yet, from not having been constituted sufficiently long, they still have a fund of capital upon which they are trading?—That is so.

79. If the present system goes on, the probability is, that they will all of them, after a certain period of years, whatever that may be, call upon the rates?—Yes.

Colonel Dyott.

80. That is your opinion?—It is my opinion that the funds must eventually be exhausted.

81. Do you find that to be the opinion of the chief constables of the various districts?—I think it is so generally.

Chairman.

82. How would you suggest that those funds should be strengthened so as to make them solvent if possible?—I have drawn out a statement expressing my views. I should propose a contribution as at present, of $2\frac{1}{2}$ per cent. from the pay of each member of the police force; stoppages from pay during sickness; fines imposed upon any constable for misconduct; proceeds of the sale of old clothing; every fee payable to any constable for any act done in the execution of his duty, as now given in boroughs under the 22 & 23 Vict. c. 23, s. 11; "fines imposed by any justice for drunkenness, or for assaults on the police; fines imposed on summary conviction for offences committed under the Licensing Act, 1872; the whole of any fine or penalty awarded on summary conviction when the police are the informers; fees arising from the service of summonses and warrants, and license notices, as is the case in boroughs; fees received for pedlar's licenses and endorsements, less the expenses incurred in furnishing certificates; fees received for the inspection and examination and adjusting of weights and measures when the police act as inspectors."

83. You mean the half contributions in those cases, I suppose?—I mean the whole contributions.

84. Contributions of the whole of the penalties imposed in cases in which the police are informers?—Yes, the whole contributions of the penalties in cases in which the police are the informers; but I have put a saving clause in to

Chairman—continued.

this effect, that in the event of any fund becoming unnecessarily large, the magistrates to be empowered (with the consent and approval of the Home Secretary, and for such time as he may direct), to place the sums arising from penalties imposed by them to the credit of the police rate, or in aid of the police expenditure.

85. You would only, of course, require to provide a capital fund per head sufficiently large, with the income, to meet the extreme amount of pensions which could fall upon a force of a given size?—Yes, just so.

86. And that after that the penalties derived under certain Acts applying to that fund should revert to the county or borough rate?—Quite so.

87. Could you deal with small forces of police in this way in regard to their funds?—No, I think not; I think there is no way of providing the police of small boroughs with pensions without consolidation with the county police.

88. Then would it not be a great hardship upon borough police that you should establish a police superannuation fund, which practically, under those circumstances, would only apply to counties and large boroughs?—Yes, and I think it is a hardship upon those men to have to pay to what will never form a fund.

89. But I meant a hardship in the other way; not only the hardship which was upon the police constable himself, but the hardship upon the borough, because it would prevent them getting efficient men?—It is perhaps so.

90. Supposing that the superannuation fund is an inducement to your getting efficient and good men as you state, and that that fund is only to apply to counties and large boroughs, these small boroughs would be at a great disadvantage in recruiting men for their forces?—Yes, they would.

91. Supposing they did not come under the fund?—Yes, they would, unless it was made imperative that their superannuation should be paid out of the borough rate.

92. Can you suggest to the Committee any method of dealing with the small boroughs by grouping them, or otherwise?—My proposal for the small boroughs is, that they should all be consolidated with the county police.

93. As far as their superannuation fund is concerned?—And as far as their general management is concerned.

94. But that is foreign to our inquiry, I am afraid; what would you consider must be the size of a borough whose force would be able to maintain a fund of that kind?—I do not think any borough much under 20,000 inhabitants, that is, with 20 men, could sustain a fund.

95. You think no force under 20 men could properly sustain a fund that would be solvent?—Except if these suggestions I have made were granted.

96. But, supposing those conditions which you have suggested to be granted, what I ask is, under those circumstances of a strengthened fund, what sized force in a borough would be able to maintain a proper fund for its pensions?—I should think any borough amounting to 10,000 inhabitants with but 10 men, would, with those penalties, be able to support itself, because in case of those not being sufficient, they would pay the difference out of the rates, as they do now.

97. Then

Chairman—continued.

97. Then it always falls back upon this, that it is not a solvent fund of itself; but that it is a solvent fund if supported by the rates?—If supported by the rates, it is a solvent fund.

98. Therefore, even with these penalties, we should not be able, in all cases, to get a fund which was self-supporting?—In these very small boroughs I do not think you would be able to get a fund which was self-supporting.

99. But in what sized borough do you think you would be able to get a self-supporting fund, without having recourse to the rates?—I do not think any borough under 10 men could possibly do it; and then I think it very doubtful if that would be sufficient.

100. In fact, a borough with a smaller force than 20 men would be hardly able to maintain a self-supporting fund?—I think not.

101. Even with the contributions you have suggested?—Even with the contributions I have suggested, they would come to a very small amount in a small borough.

102. Supposing the position to be arrived at, that you have got a solvent fund, upon what terms would you allow pensions to be drawn upon it; would you leave it to the discretion of the chief constable as it now is, or would you lay down a fixed scale upon which the men could then claim, if they were reported as good conduct men?—I would put it upon a fixed scale, very similar to the metropolitan scale.

103. That is a scale dealing with a man's service from 15 years and upwards?—From 15 years' service and upwards.

104. Till they arrive at a certain amount of pension?—Till they arrive at their proportion of two-thirds of their pay.

105. What number of years is that?—In the metropolitan scale it rises up to 28 years' service to get two-thirds of the pay.

106. Do the men, on being discharged at 28 years' service, get two-thirds?—They do; that is provided they are recommended by the Commissioners, and are certified by the surgeon to be unfit for further service; they have no claim absolutely.

107. Is that a scale, irrespective of age, or with the 60 years in it?—Irrespective of age; but in the scale I have drawn out I should propose something rather different from the metropolitan scale. I have just drawn it out; here is a paper which I can put in (*the same was read as follows*):

“PROPOSED SCALE OF PENSIONS.

“After 15 years of service completed, pensions may be granted upon the certificate of the police surgeon that any officer or constable is incapacitated from infirmity of body or mind, provided the certificate be accompanied by that of the chief constable in counties or watch committee in boroughs, that such officer or constable has served with zeal and fidelity, and such pension when granted shall not be less in proportion to his pay than is stated in the following scale. The magistrates, however, in quarter sessions in counties, and the town councils in boroughs, may, on the certificate of the chief constable in counties, and the watch committee in boroughs, that any officer or constable has displayed more than ordinary intelligence, zeal, and fidelity in the discharge of his duties, grant to such officer or constable two additional years of service, or say two additional fiftieths of pension for any period of actual service up to the 25 years.

0.94.

Chairman—continued.

“SCALE OF PENSIONS.

15 years of service completed,	15 fiftieths, or 30 l. per cent.
16 - ditto -	16 ditto or 32 l. per cent.
17 - ditto -	17 ditto or 34 l. per cent.
18 - ditto -	18 ditto or 36 l. per cent.
19 - ditto -	19 ditto or 38 l. per cent.
20 - ditto -	20 ditto or 40 l. per cent.
21 - ditto -	21 ditto or 42 l. per cent.
22 - ditto -	22 ditto or 44 l. per cent.
23 - ditto -	23 ditto or 46 l. per cent.
24 - ditto -	24 ditto or 48 l. per cent.
25 - ditto -	25 ditto or 50 l. per cent.

“Claim on completing 25 years of service, one-half of pay.

“That at the completion of 25 years of service, any officer or constable shall be entitled to claim his discharge with the right of pension to one-half of his pay.

26 years of service completed, 2 additional fiftieths, or 54 l. per cent.

27 years of service completed, 2 additional fiftieths, or 58 l. per cent.

28 years of service completed, 2 additional fiftieths, or 62 l. per cent.

29 years of service completed, 2 additional fiftieths, or 66 l. per cent.
being two-thirds of the pay, less 13 s. 4 d.

“Claim on completing 30 years of service, 66 l. per cent. of pay.

“That at the completion of 30 years of service, any officer or constable shall be entitled to claim his discharge, with right to pension of two-thirds, or say, 66 l. per cent. of his pay.”

108. If that scale was adopted at present, would it not be prejudicial to the men who were already in the force who had entered late in life?—Yes; I would make it optional to take the pension under the old Act, or to take the pension under any new Act.

109. Are you acquainted with the working of the Dublin Police Act?—I am not.

110. In that Act, I believe, the scale is 30 years' service, or at the age of 60. They have an option under the Dublin Police Act?—I should propose myself that after 25 years' service they should claim to retire on half-pay, and after 29 years' service they should claim to the extent of two-thirds.

111. Would you give any claim to a rate of scale according to each year's service, as the metropolitan scale does?—Yes; I would make the scale certain, and that a man should receive so much pension for 16 years, so much for 17 years, so much for 18 years, and so on, and upwards. I would have a sliding scale of pension, and that should be imperative.

112. Always supposing that the man was recommended for good conduct?—Up to 25 years upon the recommendation of the chief constable, and upon the certificate of the surgeon, that he is unfit for further service, but when a man arrives at 25 years' service I would give him a right to claim his pension and go.

113. Are you aware that Dr. Farr, in his report, recommended a longer period of service?—I believe he did; I have never seen his report.

114. I understand that his report suggested a 33 years' period of service?—Yes, I believe so.

115. With regard to the 25 years' period of service, do you think that the men are, upon the average, sufficiently worn out in the service to be entitled to a pension at that time?—Men vary so very much, and men are now taken into the service at so very young an age, that I do not think they are worn out at that age.

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116. Can

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Chairman—continued.

116. Can you say about what is the average age of the enlistment of men?—I am not quite certain, but I know that in some forces they take them in very young; they will take them in under 20 years of age in many forces, and many forces now are composed of very young men. The Gloucestershire force a few years ago was composed of men of long service, now they are composed of men of short service; they are very young men; the chief constable takes them in at 18.

117. According to your idea, a man who enlisted at 18, and who had served 25 years, would at the age of 43 be entitled, if he was recommended by his good conduct, to a discharge with a pension of two-thirds of his pay?—After 25 years of service I would propose to give him a claim to half-pay.

118. But he would be perfectly able to re-enlist in a borough force after that period?—Yes, he would be able to re-enlist in a borough force after that period.

119. And might even serve for another 20 years in a borough force?—I do not think he would; I think most of the men who had served 25 years would take their pension, and go and do something else; I think they would be tired of the police service by that time.

Colonel Dyott.

120. You surely do not mean that you would allow a man to receive half-pay from one force and then go to another force and receive full pay?—I think the man who had served 25 years would be tired of the police service, and would claim his pension, and go to some other work.

Chairman.

121. Are there not many instances of men now in the police force with pensions for service in other forces?—I believe there are some metropolitan officers employed in the county or borough police forces who hold pensions for former service in other forces, but they are very few; I have not heard of above one or two such instances.

122. The limit of age in counties being 35 would prevent them practically from enlisting in county forces?—It would.

123. But it would not prevent them from enlisting in borough forces?—No, I think the two forces should be put upon an equality in that respect.

124. Would you suggest that the claim to count a man's years of service for pension should not begin till a certain time of life?—The great desire of the police is, that a pension should be given to them after completing a certain number of years' service, irrespective of age. I think that the objection as to pensioning them too young would be met in this way, by allowing no man to count his pension except from 20 years of age.

125. It could be either met in that way, or, as I understood you originally to suggest, by retaining the scale of age in the consideration, and enacting that a man should not claim his pension before he was 50 years of age, or upon a more modified scale?—Yes, I think that 60 years is too long, but the scale that I have drawn out here would not entitle a man after 15 years' service to half his pay, it would only entitle him to a third of his pay, and then, at 16 years, so much more, at 17 years so much more, at 18 years so much more, and so on to 25 years.

Chairman—continued.

126. Are you aware of the complaint which I have heard exists on the part of the men who are promoted from one force to another, that their claim upon the pension list is limited?—Yes. I think it is the general desire of the police who are received from one force into another for promotion that they should be allowed to count their full service in the previous force.

127. At present, I believe, under the 19th Section of the Act you have referred to half the service is only allowed?—Half the service only is allowed.

128. But they say, as I understand, that where they are promoted for the public good it is unfair that they should lose their period of service?—It is so.

129. Do the men complain also of the present scale, on the death of a constable, with regard to the payment of the gratuities?—I think they are anxious that upon the death of any constable, being a widower, his children should receive the same pension as would have been granted to the widow.

130. At present, if a widow is left, she gets a gratuity under the scale?—Yes.

131. But supposing a man has lost his wife, the children of that man are in no way benefited by the scale?—They get no gratuity.

132. Are there any other points with regard to the complaints of the men which you would like to put before the Committee?—No. In this Paper, after stating all the fines and penalties which I think should be added, I have put in a clause to save the funds from exhaustion, and also augment them, viz., "That in the event of the yearly receipts in any year not being equal to the payments, only 90 $\frac{1}{2}$ per cent. of the receipts be appropriated in the payment of pensions and gratuities, and that 10 $\frac{1}{2}$ per cent. of the receipts be added to the principal sum invested, the difference for the time being to be paid out of county or borough rate." That would insure the principal sum of the funds never being trenched upon.

133. There is one other question which I should like to ask you; are you able to tell the Committee in what way the moneys of these different funds are invested generally?—In the counties portions are invested in the funds and in station-houses; I think, generally speaking, in either of those two ways; I think in boroughs they lend them to the borough authorities, either waterworks companies, or some other trust of that kind.

134. They are lent in counties for the county rates?—Yes; they are used for building asylums and different things of that sort.

Mr. Torr.

135. The funds are lent to the county, in fact?—Yes, they are lent to the county.

Chairman.

136. And they are lent to the boroughs?—Yes, they are lent to the boroughs in the same way for waterworks and improvements of the town, and so on.

137. Can you speak to the rate of interest that they receive from the counties or boroughs for their investment?—They receive about 4 per cent., I think, as a rule, or from 4 to 4 $\frac{1}{2}$ per cent.

138. Do

Colonel Dyott.

138. Do you know the number of boroughs that there are in your southern district?—There are 70.

139. Out of those 70, there are but four which you would call solvent, or which have any fund at all; is not that the case?—There are about four which have no funds at all; some have formed no funds.

140. You never had a fund in the borough of St. Ives, I believe?—St. Ives never had a fund.

141. And out of 70, there are four boroughs which have a fund, but nothing in it?—They have a fund, but there is nothing in it.

142. Have you served in any police force yourself?—Yes, I served 15 years in Manchester.

143. As chief constable, I presume?—I served as chief constable 15 years in Manchester and three years in the county police of Lancashire.

Mr. Biddulph.

144. One question with regard to what you stated just now about forces with 20 men not being able to sustain a superannuation fund; what would you recommend with regard to counties which have not a force of 20 men, say the counties of Radnor and Rutland?—It would be very difficult for them to do it; the amount of receipts in Radnor are only about 43 *l.* a year, and one man would take the whole of it.

145. What would you recommend in that case?—I recommended that county to amalgamate with Hereford; and it was getting on very well when it was amalgamated with Hereford.

146. Do you think it would be better that that plan should be carried out?—I think so, both for efficiency, and in every respect; it would be impossible with only 43 *l.* a year to make a fund.

147. And with respect to Rutland, what would you advise in that case?—I do not know anything about Rutland, it is not in my district. But here is the borough of Reading, which has consumed the whole of its fund. That force is composed of 40 men, and they have no fund whatever; they have used up the whole of it. Excepting the contributions from the men and what they get per year, it is all paid out of the rates.

148. In those cases you would recommend that where there is such a small force, they should be amalgamated with some other county or borough?—Most decidedly. I will take the borough of St. Ives, for instance; it has a population of about 6,000, and has only one policeman, and he has an area of 4,000 or 5,000 acres to travel over; it is absurd; the man cannot do the duty.

Colonel Dyott.

149. You observe that Reading is a very exceptional case; it seems that the borough of Reading has a force of 42 men; that is not a very small force. The borough of Reading is bankrupt, but is not the reason this, because the borough of Reading gives a superannuation retirement to a number of men who never contributed anything at all to the fund?—Some of those men have not contributed.

150. The marginal note is this: "Some of the old pensioners who served prior to 1852 never paid anything towards the superannuation fund, and being superannuated soon after the formation of the fund, the consequence was that, as soon as the fund was established, it was absorbed"—Poole is another instance; they have exhausted their fund with a force of 13 men; Canterbury is another instance, with 22 men.

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Chairman.

151. Do I understand you to say that Canterbury is in the same position as Reading, namely, of having paid the pensions of men who were enlisted and served before 1852?—The head officer, no doubt, would have been in that case; his had been a long service. There are only three men upon the fund, and the head officer takes a large proportion of the receipts; their receipts are 65 *l.* a year, and their payments 176 *l.*

Mr. Couper.

152. From your experience of boroughs, and especially of small boroughs, do you think there would be much opposition on their part to being amalgamated with the counties?—I think the men would be delighted.

153. But I refer to the borough authorities; do you think they would like to be amalgamated with the counties, as you suggest, or do you think there would be opposition upon their part to that being done?—I think there would be, though in one borough last year the mayor told me that he should be delighted to be amalgamated with the county.

Mr. Gourley.

154. One of your proposals for the raising of a fund is that the fines arising from drunkenness should compose a portion of the superannuation fund; is not that the case already?—I alluded to the whole of the fines; the magistrates may give any portion of the fines which they like; it is discretionary with the committing justice.

155. Whether he appropriates the fines chargeable for drunkenness to the fund or not?—Yes, he may give any portion of it he likes to the superannuation fund; it is quite discretionary; none of these rules are compulsory.

156. But, previously to the passing of the present Licensing Act, there were no fines imposed for drunkenness; it was simply optional upon the part of offenders to contribute or otherwise, and at that time the moneys were contributed for the benefit of the police, which went to the police superannuation fund?—Yes.

157. Can you tell me whether those contributions have decreased since the passing of the new Act, or otherwise?—I should rather think they have increased.

158. You told the Committee that in some parts the police were enlisted at the age of 18 or 19; what sort of police do men of that age make; do you consider that too young?—I think it would be better that they should be 20 or 21 years of age; they would have more discretion.

159. Would you limit the age?—I think it would be better to limit the age, but in some places they cannot get men to fill up their forces unless they take them at 18 or 19.

160. Do you find that those very young men make efficient officers?—I think that eventually they make very good police officers.

161. Would you advise applying the same age for enlisting men in boroughs as now exists in counties; that is to say, that in counties men are not allowed to enlist after 35 years of age, but in boroughs they may enlist at any period?—Yes, they may not enlist in counties after 35 years of age; but there is no restriction as to the youth at which they may enlist in counties.

162. Can you tell the Committee anything with reference to the average pay of the police in counties?—The pay varies very much in each county.

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163. Does

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Mr. Gourley—continued.

163. Does the rate of pay vary also in boroughs?—It varies in boroughs too.

164. Do you think it would be better to have one uniform rate, or to leave it to each county and to each borough to fix their own rate?—I do not think you could fix an uniform rate; in the mining counties the rate of wages given to the working people is so much higher than it is in the agricultural counties.

165. Therefore you would leave the system with regard to pay as it is at present?—I think you must leave it to the counties to decide what pay it is desirable to give in their respective counties.

166. Have you made any calculation with reference to what capitalised fund would be required, say, for a solvent fund for 50 men; you have told the Committee how you would raise the fund, have you made that calculation?—My own impression is that from 80 £. to 100 £. per head capitalised would be required.

167. That is to say, for 50 men you would require to capitalise a sum of between 4,000 £. and 5,000 £.?—I should say so.

168. You stated that you had not gone into Dr. Farr's suggestions?—No, I have not seen his report, but my general impression is that it would require not less than 80 £. per head.

169. What is your opinion with reference to the effect of a fair solvent superannuation fund in respect of the force; would it be a means of giving us better men than we have at present?—It would be the means of making the force more popular, and of making men stay in the service who now go floating about for other services, that is, particularly after they have had some little service. I think it would be a great inducement to them to remain in the service, provided the pensions were made certain.

170. You would make the scale compulsory rather than optional, as at present?—I would make all those scales of pensions which I have stated in my paper compulsory upon completing those periods of service.

171. When the men enter the force I suppose the fact of their not having a certainty makes them indifferent whether they remain in the force or not?—I think many men after they have been in the force a little time, if they can get a better rate of wage, will go, and there would be an inducement to stay if they thought there was a certainty of pension.

172. Do you think it would be of any advantage to employ the police as aids to the sanitary officers in the sanitary work of boroughs and counties, with a view of giving them extra pay for the purpose of increasing the solvency of the superannuation fund?—I think the police have plenty to do without taking the sanitary work upon them.

173. You think the sanitary work would interfere with their present work?—I think so; I think they have ample to do without undertaking that.

174. You think that that would interfere with their regular duties?—I do.

175. Have you any fault to find with the existing system of administration either in the borough or in the counties; for instance, the watch committee, as the authority in the boroughs, and the justices in the counties?—I have not received any complaints from the men with reference to the administration of the duties by the watch committee.

Mr. Scourfield.

176-8. You have stated how the money which is put aside for the superannuation fund is invested, but suppose they want an actual sum of money to pay a pension, where would that money come from?—There is always a balance to pay pensions; they are paid out of the annual receipts.

Mr. Cotes.

179. I understood you to make it, as one of your recommendations, that pensions should run from one force to another?—When a man is taken from one force to another for promotion, I recommended that his service should be allowed in the force he was taken from; that is, if he is taken with the consent and approval of the authorities receiving him.

180. You told the Committee, in answer to another question, that the rate of pay in the different counties was very different?—The rates of pay vary in different counties.

181. And I suppose we may take it that the rate of pay in some of the larger boroughs is still very much higher than in any county?—Some of the larger boroughs are higher.

182. Does it strike you that if pensions may run from one force to another a man may serve for a considerable time at a lower rate of pay, and thus entitle himself to receive a lower rate of pension at the end of his service, and that if he changes to a higher paid force he would be entitled to a higher rate of pension?—Yes; a man looks to all that in changing from one force to another.

183. Do you think that it would be desirable, in the interests of the police force, that they should so change?—I did not say I thought it was desirable that they should so change, but say, for instance, a borough advertises for a chief officer, generally speaking some superintendent or inspector of a county force would apply for the vacant place.

184. I am not speaking now of superior officers, but of officers of any rank?—The pension fund does not go with him; it is not transferred from one force to another.

185. But I understand you to suggest that if he serves in one county force for 14 years he might go into a borough force and serve there at the higher rate of pay given by the borough, and that at the end of his time those 14 years would count for pension at the rate of half the number of years' service?—Yes, but I think that any person going into another force should only be accepted into that borough force provided his service is accepted with the full permission of the authorities of the borough or of the county magistrates.

Chairman.

186. The law at present is expressed in the 22 & 23 Vict., in which it is stated in section 19, "In order to provide the most meritorious and fit men to fill the superior ranks in the police, any constable or officer promoted from one force to another, either of a county or a borough, who shall have served in his last force for a period of seven years, shall, for the purposes of superannuation, reckon as service in the force to which he is promoted one-half of the period of his previous service, provided that the promotion be made in the case of a county constable on the recommendation of the chief constable, with the sanction

Chairman—continued.

sanction of the court of quarter sessions, and in the case of a borough constable on the recommendation of the head constable of the borough,

Chairman—continued.

with the sanction of the council, and that in both cases the service be formally certified at the time of promotion"?—Yes, that is so.

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Colonel C. A. COBBE, called in; and Examined.

Chairman.

187. You are Inspector of the Midland Division of England, are you not?—I am.

188. You have heard the previous examination?—I have.

189. And your attention has also been called in your division to the fact of these superannuation funds and their condition?—It has; for many years we have been perpetually reporting. My predecessor, General Cartwright, reported upon the unsatisfactory state of the funds in 1863, 1864, 1865, 1866, 1867, and 1868. I was then appointed, and in 1869, 1870, 1871, 1872, 1873, and 1874, I have successively referred to those funds.

190. In referring to them, and reporting upon them as unsatisfactory, have you formed any conclusions as to the reasons which have led to that result?—Yes.

191. Will you state them to the Committee?—With regard to the bad state of the funds, it would be owing very much to the fact, that many of the counties did not pay enough attention at the first to the little supplements, and now they are getting in the full force of the pensions. You must divide the funds of the county forces into two classes, those that were established before 1856, and those that were established after 1856, because the Act then came in to make the establishment of police compulsory. A great number of forces in my district were established before 1856, and most of them are in a bad state; that is to say, that their disbursements are more than their receipts.

192. That is to say, the forces that were already in existence before the fund was created naturally suffer from the men coming sooner upon the contributions?—As regards those forces that were established in 1839 and 1840, the Act of the 3rd & 4th Victoria was already in operation, so that they ran with them.

193. Do I understand that in all cases, with the establishment of a force, there has always been a fund for superannuation purposes?—For general purposes for the counties.

194. But that subsequently to 1856, that has taken a more definite form?—New forces have come in, and we can hardly tell yet how they will work out, as they have only been in existence 18 or 19 years; they are all making money.

195. Do you believe that the principle upon which those forces, either created before or subsequently to that year, proceed, is a sound one?—No, I do not think so.

196. That is to say, their receipts are not sufficient to meet what may ultimately come upon them in the shape of pensions?—No, I think not.

197. Have you any suggestion to make to the Committee with regard to an alteration for strengthening such funds?—I agree with what Captain Willis has mentioned entirely, with the exception of the dealing with weights and measures.

198. Upon what ground do you differ with
0.94.

Chairman—continued.

regard to that?—It is an exceptional duty to superintend them, and there is an Act of Parliament relating to them, which says that the fees go with the weights and measures.

199. And you would make the powers which are discretionary with the magistrates in certain cases absolute?—Yes.

200. Until a fund had arrived at a position in which its annual income was sufficient to maintain its scale of pensions?—That would depend upon what you would consider sufficient capital.

201. Have you considered that point?—Yes, I think that 70 *l.* per head capitalised would be sufficient for any fund of ordinary county strength, with the supplement Captain Willis has mentioned.

202. That is to say, in counties, 70 *l.* would be sufficient to maintain the fund?—I think it would be sufficient for capitalising.

203. Would that depend upon the time at which you began to create your fund?—Yes, from the very beginning.

204. With regard to boroughs, have you formed any opinion as to what amount should be capitalised in their cases?—Some of the boroughs are so small that it is impossible to keep them solvent.

205. Then you also would make a distinction between the larger boroughs and the small ones?—You cannot maintain the fund in small boroughs; it is impossible to be done; I am referring to boroughs under 25,000 or 30,000 population.

206. What force in a borough would represent a sufficient fund to keep it solvent; it has been stated that a force of 20 men in a borough might maintain a solvent fund; do you agree with that statement?—I differ from that.

207. What should you say as a minimum?—I think 30 is the lowest number you could have.

Colonel *Dyott.*

208. You think that a force of 30 men is the lowest that could maintain a solvent fund?—Yes, supplemented by a scale of fines and contributions such as has been already suggested.

Chairman.

209. What would you suggest with regard to other boroughs under the existing state of the law which leaves them as separate forces?—The rates must pay for them.

210. Would it be possible to group the boroughs together in a county?—It must be done by a police fund, otherwise I do not see how the authority could act.

211. It would practically be impossible to work it under the present constitution of the borough forces in small boroughs, would it not?—I think so.

212. Supposing you believe that the institution of a superannuation fund is for the benefit of the force in the way of making it efficient, would it not be a great disadvantage to the small boroughs, who would practically have to get men
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Colonel
C. A. Cobbe.

Colonel
C. A. Cobbe.
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Chairman—continued.

without this superannuation fund as an inducement?—Our opinion is that the existence of small boroughs is very injudicious for the service; I do not see what is to be said about that point.

213. At present it has been stated that the rates are really the background of it all?—Quite so.

214. Do you think that if all those contributions were paid into the funds of the respective districts in counties into the police rate, and in boroughs into the borough rate; that is to say, if all those contributions from fines, drawbacks in sickness, and cast-off clothing, were paid into those rates, and the pensions were charged directly upon the rates, there would be any disadvantage in that?—It would be a very great disadvantage to the constables.

215. As I understand you, those pensions are practically a charge direct upon the rates, although in many instances, from the creation of this fund, there is a sort of intervention between the rates and the police; and whereas now the rates have to back up the funds when deficient, and are mulcted themselves by contributions which would otherwise go to them, but which now go to this fund; if a fund became bankrupt, and the pensions fell upon the rates, do you think the men themselves would be really in a worse position?—No, I think it would be about the same if the men got the money.

216. The men are a charge upon a fund which has the rates to sustain it if it is deficient?—If the men get the money, it is immaterial to them where it comes from, even if the Government paid it.

217. Do you suppose the men would be in any worse position if the funds were abolished, and the rates were responsible for every pension?—I think they would be very much worse off.

218. Do you think the magistrates or borough authorities would look with more care at a charge upon the rates than the county authorities would?—In the boroughs they would; the fund has not yet come to bankruptcy in the counties.

Mr. Gourley.

219. Would a charge for superannuation purposes upon the rates lead to a reduction of the wages also?—I do not think so.

220. At present the men contribute 2½ per cent. of their wages towards the superannuation fund for their pensions; if the pensions should become chargeable upon the rates, would not the authorities reduce their wages?—They could not do it at present.

Chairman.

221. The question of wages is a question which depends upon the rate of wages in the district?—It is.

222. Practically, that must rule the police rate of wage; you cannot get men to enlist in your force if they can get a higher rate of wage outside of it?—That is so.

223. The only question with regard to this superannuation fund and the ultimate pension is that it acts as a supplement to the wages in the way of maintaining the efficiency of your force?—That is so.

224. And is a better supplement, in your opinion, than a direct rise of wages?—Very much so.

225. Inasmuch as a direct rise of wages merely

Chairman—continued.

means the spending by the man of the amount which he receives when he receives it, whereas the idea of a pension presents to his mind the prospect of future provision?—Quite so. Another point is, that if it is a mere matter of wage, without prospect of superannuation, there is no inducement for a man who has been in the force for some years to remain in it.

226. It is quite possible that a superannuation fund, being an inducement to a continuance of service, diminishes the rate of wage rather than otherwise?—Yes, I think so.

227. Do the men complain at all about the contributions which they are expected to make to the fund?—They say that they think it very hard that they should be obliged to pay a certain contribution and have no certainty whatever of getting any result.

228. As I understand, they complain of having to contribute to a fund upon which they are led to believe they will have an ultimate claim to pension, and that when they have completed the term of their service they are at the mercy of the recommendation of their chief constable, and then they have to go before the magistrates or the watch committees of the boroughs, with regard to the amount that will be given to them?—That is so.

229. And they ask that as they contribute to the fund they should be entitled to a fixed scale after a fixed term of service?—Exactly so; that is one grievance.

230. Do you think that the question of age, which at present exists, should enter into any such future scale?—I think no man should count service until he is 21.

231. You would fix a limit?—Yes, a man may join earlier, but I would not allow him to count service until he is 21.

232. What do you think should be the length of service in the force?—Seeing the men that I see around, my impression is that the common constables and serjeants who are always patrolling have pretty nearly done all they can do in 20 years, and 25 years would be the outside.

233. Do you mean that a man enlisting at 21, when he has arrived at the age of 46, has, practically, served so long that he is no longer an active and efficient constable?—I think so. I think that he should be allowed to go if he felt unequal to continuing on.

234. Then would you put him upon half-pay?—Yes, or whatever scale was fixed upon.

235. Do you believe that a large number of men would avail themselves of that arrangement?—Not very many.

236. Do you think that the inducements of promotion in the service and a higher rate of remuneration would induce them to continue, even after 25 years, if they felt themselves efficient?—I think so.

237. Do you think it is advantageous, or otherwise, that a man discharged from a county force, say, at 46, on half-pay, should be able to go and join a borough force and serve there?—I do not see how he could.

238. There is nothing to prevent him in the present regulations, is there?—I think the inspector would strike him off as not being a fit man.

239. But I imagine that after 25 years' service, if he had a right to claim a pension, he might go even when he was a fit man?—It might be so.

240. Then

Chairman—continued.

240. Then he would be entitled to enlist in a borough force?—Unless that system is altered; as it is at present he would.

241. In the contribution which is made by the men at present, is there any difference made as between the different ranks of the men?—I think, in Essex, there is, but that is very exceptional.

242. Is it not the case also in Kent?—I think it is only in Essex. In Hertfordshire they have also a different system.

243. In the payment of pensions would you make any difference?—It should be compulsory to contribute 2½ per cent. of the pay.

244. Would you make that contribution general upon all ranks?—I would, and it is general at present.

245. With regard to the chief constables, they can draw pensions from the county or borough, but they do not contribute; is not that so?—The chief constable of a county is chargeable upon the police rate, and he does not contribute. With regard to the head constable, by the 28 Vict. c. 35, it was settled that he was to contribute.

246. Upon what scale does he contribute?—Upon the same scale as the men; they all pay the same rate.

247. With regard to the scale of pension between 15 and 25 years' service, it has been suggested that the pensioners should occasionally report themselves for the re-consideration of their pensions; has that suggestion ever occurred to you?—That is only under the Modified Pension Act, 28 Vict. c. 35. There has been a Modified Pension Act passed recently, under which the men are bound to come up from time to time, and if they are found fit for service they go on again in their old place; they take up all the service they have lost, and count that, but I am not aware that any of the old pensioners do so.

248. Supposing Parliament should establish a new rate, such as you suggest, should it be one of the conditions that a man when in receipt of a pension for a short term of service should be bound to report himself occasionally, so that a re-consideration of his state might be taken?—No, I am not prepared to say that.

249. To your knowledge, is there any system by which superannuation of police is met in England beyond the fund; that is to say, by insurance, or otherwise?—No; there is no insurance, I think, in England; there is in Scotland, I believe.

250. Have you ever considered the point as one bearing upon this question, whether a system of insurance might not be established?—It occurred to me when I read the evidence of the Scotch Committee of 1868, but if these funds are kept up in the way it is proposed, I think they would be solvent. Leicestershire began by putting in fines and fees for services illegally, but they have succeeded in keeping up their fund.

251. Do you think that in the cases in which those fines were so applied, the fund would really be self-supporting?—I think so.

252. At the present moment many of the large boroughs are not in a very good condition?—The larger boroughs are pretty good, but the smaller ones are not. I have only two very large boroughs in my district.

253. Can you give the Committee an idea of what has principally led to that insolvency of the funds?—In boroughs it is different from counties;

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Chairman—continued.

the borough funds were established in 1859; the police forces were established long before, and all of a sudden there came a heap of men upon these funds, and many of them were swamped at once; the smaller ones certainly were. Birmingham, for example, has now a fund of nearly 14,000 l.; that is at the rate of 40 l. per head of its force.

254. That has very much to do with the question of pensioning at a given age, because in a long-established force, naturally the men arrive at that age before the fund has had years enough over its head to meet the claims; is not that so?—The discontent of the men arises from the claims for service, irrespective of age.

255. But it very much turns upon the question of age; with regard to those forces which you just now mentioned as having got into difficulty, that arose from the fact that those men having long enlisted, had arrived in large numbers at the age of 60, shortly after the fund was established; and if there had been a lengthened period of service, they would not have completed their 25 years' service?—They entered the service generally older in those days; there are very few men above 60 in my division.

256. Can you give the Committee any idea of how many there are above 60?—I have 4,500 men in my division, and striking off the chief constables, there are only 48 in the whole of those who are above 60, and only 16 of those are constables; the rest are officers, six of them being serjeants.

257. Is there any other suggestion which you would wish to make to the Committee?—I should like to be examined with regard to reckoning service.

258. Do you think that the men have a just claim to ask that they may count their whole service when they are promoted?—Yes, I do; it is for the good of the service; no boroughs ever appoint the chief officers from their own force; they seek them from other forces, and perhaps it is desirable. Going from one force to another a man loses a great quantity of service by only counting half, and he must have been seven years in the last force. If you count the full service instead of counting half, that would answer the purpose.

259. Would the boroughs be willing under those circumstances to adopt such an arrangement?—It is conditional upon the agreement; they have to make an agreement at the time.

260. But at present it is optional, is it not?—They are all anxious for it.

261. But for the efficiency of the service you think a man's claim to take his whole pension with him into a new force ought to be allowed?—Yes, although he may take it now he grumbles afterwards and is dissatisfied, because he counts only half of his service instead of the whole.

262. And you think that the borough which seeks his services would really get in the man and his services an equivalent for the amount which it has to pay for them?—Yes, I think so in most cases.

263. Is not that an arrangement which might be left to the two parties?—Except that I would alter the half service to the full service.

264. But even if you took away half service, a man need not leave one force to go to another?—But it is very desirable that he should.

265. Would not the necessities of the borough lead

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lead them to contract with him for the full term if it was necessary for the good of their service for them to have the best man they could get?—But he could not do so, unless the law allowed him, and the borough authorities change so often.

266. But supposing there was no regulation at all, he might refuse to take service under the borough authority, unless they allowed him his full pension?—But they could not by the Act allow him his full service.

267. Is there any other point which you would wish to mention to the Committee?—There was a case at Peterborough; the county was broken up by the establishment of the force at the town of Peterborough, and a number of men were discharged, 14 I think, and those men had contributed all through. The magistrates are perfectly willing to compensate if they can, but the law is so weak and so inefficient that the men are turned adrift and they get into other forces, and they count neither service nor gratuity nor anything else; that is about to happen in another place, namely, Leamington, with which I am concerned.

268. What proportion would they have been entitled to under the 1852 scale?—They would have been entitled to 17-25ths, or something of that sort, but they were not unfit by medical certificate; those cases should be arranged for I think, because they may happen any day; I think that they should carry their services with them.

269. But before a man retires upon half-pay, and with pensions for intermediate service, is it not desirable that there should be a very strict medical examination to prevent anything like malingering?—Yes, no doubt.

270. I think you were for a long time chief constable of a county?—Yes, in Yorkshire.

271. From that experience you are able to speak of the feeling of the men very confidently?—I am more able to do so now since I became inspector, as in Yorkshire we were systematically all as certain of getting a pension as we were of getting our pay.

272. Was that under the Act?—I always recommended it, and the magistrates were always ready to grant it.

273. When a man joins the force, you do not think that he is influenced by the thought of a pension?—Not the slightest by the thought of superannuation, as far as he personally is concerned, but it has a most material effect with regard to the police officers themselves; I know of no instance in which the police get recruits or are at all an element of recruiting.

274. Do you attribute that to the uncertainty of the pension?—Yes; I heard a police superintendent say that he had two sons who would join the force to-morrow if there was any certainty of pension, but that nothing should induce them to enter it now, as they might be turned adrift to-morrow.

275. Without that certainty of pension your men will not become recruiting serjeants for the force?—The men say that the men who enlist now are nothing like the men who used to join.

276. They are not serviceable men?—There is not stuff enough in them; there is not enough age.

277. I suppose that very much depends upon the rate of wage in the districts, does it not, and the inducements that there are to strong and

Chairman—continued.

healthy men to go and offer their services elsewhere?—In some counties they get very good men still, but in some of the changeable counties, like Staffordshire, and near Birmingham, I do not think the men are the proper sort; they are too young when they join.

278. You attribute that partly to the fact that there is not the same inducement to the officers of the force to describe the force as popular as there would be with the alterations you have suggested?—No, there is no one to sing the praises of the police; they are turned out now just to crawl away and die when there is not a bit more work left in them.

Colonel Dyott.

279. I understand you to say that although in your district there is no county fund at present insolvent, you think that ultimately they will become insolvent?—It must be so, in the very face of things; they are eating their capital now.

280. Now let me draw your attention to the county of Stafford?—That is in a good condition.

281. The county of Stafford has the largest numerical force in your entire district, has it not?—Yes, it has.

282. The chief constable reports in the marginal note that the fund is now solvent, and he believes that it will continue solvent, notwithstanding that they do not receive fees, and fines, and penalties, in the event of the police being informers, but that those fines and penalties are credited to the police rate, and not to the superannuation fund?—That is so.

283. I understood you also to say that you thought no force under 30 men could maintain a solvent fund, unless supplemented by penalties and fines?—Yes, that is what I think.

284. Will you tell me how many boroughs you have in your district?—I have 46 separate boroughs, and 24 consolidated boroughs.

285. I believe of those 46 boroughs, there are only two which are not solvent?—There is Boston, Kings Lynn, and Banbury; Boston was exhausted long since, and Maldon does not subscribe.

286. Maldon and Banbury have no fund whatever?—They have not; Southwold has only one man; Pwllheli does not subscribe; there is only one man there. Now, reverting to Staffordshire; Staffordshire is an exceptional county; it has very large funds, it has at the rate of 70*l.* a man; it has a fund of 38,000*l.*, though it was established in 1842, but there are more changes take place in Staffordshire than in almost any other county amongst the men, and the consequence is, that fewer of them come to be pensioners than in any other county; if you take Norfolk, where the fund was established at the same time, there are 49 pensioners, whereas in Staffordshire there are only 39; the changes in Staffordshire are nearly 20 per cent. every year, so that they do not come to be pensioners; under those circumstances Staffordshire, I think, is likely to keep solvent.

287. I think you stated that, in your opinion, no force under 30 men could keep solvent unless supplemented by fines and fees. Now you have 46 boroughs in your district with under 30 men, and only 9 with over 30 men, and there are only two boroughs which are not solvent; that:

Colonel Dyott—continued.

that shows that they can maintain themselves in a solvent state?—Yes, they can now; but the question is, how much longer will they be able to do so. If I look at the services of the men I see a number here who will soon be on the superannuation fund. Take Buckingham, for instance, there only four men there, and it is impossible that that number of men can keep up a fund; the fund received 22 *l.* last year and they paid 24 *l.*

288. The fact is so, that in your district you have 46 boroughs, and you have only 9 that have a force of over 30 men, and all the rest, with the exception of two, are solvent, and yet you tell the Committee that it is impossible for a force with less than 30 men to maintain its fund as solvent unless it is supplemented, but I can show you boroughs without end where the force is below 30, where they are solvent and where they do not receive anything from fines and penalties. Take Lichfield; Lichfield has a force of seven men; they have nothing from fines and penalties, and they are solvent?—If you call a fund of 226 *l.* solvent to pay for the chances of seven men, it is solvent; their receipts are 13 *l.* a year, so that if you pension one man that is more than absorbed at once.

289. I think I understood you to say that the men feel it hard that it is held out to them at the time of enlistment that there will be a pension from this superannuation fund; you do not mean to say that there is any deception whatever practised upon the men when they enrol themselves; they do not find afterwards that they have been deceived by the expectation that they will receive a pension which they do not ultimately receive?—No, I do not mean to say that; I have seen advertisements in which it has been stated that liberal pensions are given, but I do not mean to put it in that way. I mean to say that this Act of Parliament, which is 30 years old, says these various things, and one sees that on no account is any man to be held to be entitled to any pension.

290. You say that you would give a man a claim for pension, but I presume that would depend upon good conduct?—If his conduct were bad you would dismiss him; he must be a good man to be 20 years in the service.

291. So I apprehend. Now, with 20 years' service and conduct good, the pension would be practically always given to him; it would not be refused to him?—Not some pension, but it is a very indifferent amount. There is one county which has given 7 *s.* or 8 *s.* to a man as pension.

292. But you would not under any circumstances recommend that a pension should be given irrespective of good conduct?—No; but I do not see how a man could be so long in the service if he was of bad conduct.

Mr. Torr.

293. Have you any instance in your district where men have served the time, so as to entitle them to a pension, and have got the pension allowed, and still remain officers of the force?—Yes, in Leamington the superintendent has been 15 years there; he was a superintendent of the Metropolitan Police; he was injured at the Crystal Palace, and he received 169 *l.* a-year pension for sometime, then he recovered and offered himself for service. I give you his own

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Mr. Torr—continued.

version of the matter; they said he was to be taken back as a common constable, and he said "No," and he went away; he was then appointed to Leamington, and has been there for 15 years.

294. Would you allow a man still to remain in the force having become entitled to a pension, and having received it?—No.

295. You have no instances of that kind?—I have none.

296. You said that a fund capitalised at the rate of 70 *l.* per head would make any of your superannuation funds permanently solvent?—I consider a force of from 30 men upwards would be solvent with that, supplemented as I have mentioned.

297. £. 70 a head for 30 men would give you a capitalised fund of 2,100 *l.*?—Yes.

298. And you say your capital usually yields you about 4 per cent.?—Yes.

299. That would give you 84 *l.* a year?—Yes.

300. Have you made any calculation, out of a force of 30 men, how many would remain with you to become pensioners?—I have not considered that, but you would also have the contributions coming in assisting the capitalised amount.

301. Would a capitalised fund, without fines, be sufficient to secure the pensions of the men?—I do not think so.

302. Then you say, do you not, that a man having served 20 years in the force, you would consider was entitled to half his wages as pension?—No, not half; but I would put him upon that scale which I thought necessary, which is 20–50ths, perhaps.

303. Did you say that after 30 years' service, he should be entitled to a full pension?—I did not say that.

304. Are you perfectly satisfied that 2½ per cent. upon 70 *l.* would not keep the fund solvent?—No; I was speaking of the amount capitalized and assisted by the general subscriptions.

305. Would you take your men all round as receiving about 60 *l.* a year in wages, as a fair average?—Yes, I would.

306. So that a man would contribute 30 *s.* a year to that fund?—About that.

307. If a man is in your force 20 years, he has contributed 30 *l.*?—Yes.

308. Then Inspector Willis thought that at that age he should be entitled to half wages?—I believe he did.

309. One year's half-pay would be equal to all his subscriptions?—Yes, it is understood in that way; take any officer in the police service, and he will get back in one year's pension more than he has contributed all his life, and the same remark applies to all the officers; but there are very few of them who come to that stage.

310. If you offer your man an inducement which leads him to remain with you 20 years, taking that as a fair estimate of a man's service, you would have a large proportion of those men who have served 20 years drawing upon your funds when they had only contributed one year's wages?—But it is our duty to look for efficiency, and it is my belief that of those men who are out on patrol night and day, keeping on steadily at their work, there are not many of them above 25 years' service, taking officers and men together.

311. Have you a return to show how many

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men out of your force have attained the number of years' service necessary to entitle them to a pension?—Yes; there are only 204 above 25 years' service.

312. That is pretty nearly 5 per cent. upon the number of your men?—Yes.

313. About 5 per cent. of your men attain the number of years' service to entitle them to pension?—Yes.

314. That, again, would show if you have 5 per cent. of your men obtaining pensions, and they only contribute $2\frac{1}{2}$ per cent., that you cannot do without the addition of fines and penalties?—No, you cannot; you could not do it upon the contributions alone. I have made up the amount of contributions we paid pensioners, 14,000*l.* last year, and the contributions were 7,500*l.*

315. Have you got the proportion paid by the men, and the proportion supplied by fines?—The money paid by the men was 7,500*l.*, and the pensions amounted to 14,000*l.*

316. So that that would show that your $2\frac{1}{2}$ per cent. is barely one-half of what you require without the fines?—That is so.

Mr. Leeman.

317. Practically, the counties and the boroughs now make up whatever deficiency there is in the superannuation fund?—They are coming upon the capital now, or they make it up from the fines.

318. You said something about the Government paying towards the superannuation fund?—It would settle a great difficulty, if the Government would pay half.

319. At present the Government contributes nothing to the superannuation fund?—Not directly, but they indirectly contribute that portion which is stopped from the contributions of the men, and during the men's sickness, which is a very small amount.

320. Do you see anything in principle which should cause any difference in the allowance to be made by Government for the police of the country between what they directly pay now, and what they pay for the future superannuation of the men?—I think it would be a proper thing for Government to pay for that half in the future; we are sent down to inspect, and if we find an inefficient man, or a man worn out, and insist upon his going, we cause an extra charge upon that county by doing so, because the Government do not make any payment for him, and the county have to replace him, which may make a great addition to the rates.

321. Have you an idea whether, supposing the men to be left in the boroughs at the mercy of the watch committees, they would be worse off than those who are left to the finance committees in the counties?—There is no finance committee now which deals with the police in the counties; it is principally the chief constable who recommends the police for pensions; but in boroughs the watch committee is a changing authority.

322. The chief constable recommends, but the resolution has to be come to by the police committee; the police committee are not bound, either in a county or in a borough, to act upon the recommendation of the chief constable unless they see fit?—It is thought by some chief constables that they are bound to take the recommendation of the chief constable as to the amount, but that is not my view.

Mr. Fairfax Cartwright.

323. The quarter sessions cannot alter the amount, I believe?—I take a different view; I always recommended the men merely, and the magistrates might award anything not exceeding so much; but Mr. Leeman, as a lawyer, knows the law better than I do.

324. That is the view taken by many courts of quarter sessions, is it not?—Many quarter sessions take it the other way.

325. Courts of quarter sessions consider sometimes that they have no veto upon the amount once fixed by the chief constable?—Sometimes they do.

Mr. Leeman.

326. With regard to uniformity, you agree with Captain Willis that it is very desirable, do you not?—Very much so.

327. And the option, therefore, of magistrates in counties with reference to the proportion of the fines to be received you think is objectionable, and that it would be better if there were a uniform scale, and that the magistrates in all counties should act upon what the statute itself specifically prescribes?—That is my opinion.

328. At present, in boroughs you have great discrepancies, have you not?—Yes, very great.

329. In some places you have as little as $1\frac{1}{2}$ per cent. deducted?—Only in one case. I think one case does exist.

330. And varying up to 2 per cent.?—Two and a half per cent. is the usual rate, any other rate is quite exceptional.

331. The fact of fixity would, you think, materially assist in the improvement of the forces?—With regard to the contribution of the men, it is so small, and there are so few cases of a different rate that it is not worth mentioning. I think if I spoke about it it would be altered.

332. What I mean by fixity of amount is, that if there were a knowledge on the part of a man entering the force that there would be a certain amount of fixed superannuation for him when the time came; do you think that would very much improve the character of the force?—Very much so.

333. That you learn, I suppose, from coming into contact with the chief constables of the boroughs of your own district?—Quite so.

334. Did you find that that was the case when you were down in the West Riding?—No, it was a new force, and the subject was not mentioned there; we had no difficulty in getting men in my time.

335. But do not you think there is more difficulty in getting men now?—Yes, very much so.

336. Especially in the mining and manufacturing counties?—Yes, very much so.

337. Take our North Riding and Durham; do not you think that there is more difficulty in getting men now than there was when you were there?—I should say so very much.

338. You think that a borough of less than 30,000 inhabitants could not really manage a superannuation fund, unless they were supplemented to the extent that you have suggested?—Quite so.

339. Have you seen the return of Captain Hill of the North Riding?—No, he is not in my district.

340. Will you look at this (*handing a copy to the Witness*). Captain Hill makes certain suggestions

Mr. Leaman—continued.

gestions here, "I consider it most important that the superannuation fund should be supplemented as far as possible in order to relieve the rates. I venture to recommend by the following payments. (1), Fees for summonses and warrants, &c. (2), By awarding the whole of penalties. (3), By fees for granting pedlars' certificates. (4), By fees for stamping weights and measures. (5), By rewards and gratuities offered in jurisdiction. (6), Any miscellaneous earnings of the police, such as license notices"—Those are almost all we have offered.

341. Do you agree with him in those suggestions?—I do, with one exception, namely, the stamping of weights and measures; I am not prepared to say anything about that.

342. Those fees would be very small?—Yes, it is only the principle.

343. You see at present that in the North Riding the service of summonses, and the execution of warrants, is not credited to the superannuation fund?—No, it is not in the county.

344. Then according to this proposition 837 *l.* 11 *s.* 8 *d.* would be carried to the credit of the superannuation fund?—It would.

345. I suppose you know enough of ratepayers to be aware that payment to the police is not the most popular thing in the world, especially in agricultural districts?—I am aware of that.

346. I think that is pretty much the case everywhere; do you think it would be a somewhat unpopular thing with the ratepayers to have to supplement the superannuation fund directly out of the rates?—I know it would be very unpopular.

347. Whereas what is suggested here comes out of the pockets, in a large number of those cases, of the defendants in the cases?—Quite so.

348. To that extent, therefore, it does not in any way come out of the pockets of the ratepayers?—That is so, no doubt.

Mr. Cotes.

349. With regard to the solvency of the superannuation fund in counties and boroughs upon what data do you base your calculations; how do you ascertain whether they are solvent or insolvent?—I have taken pretty well the amount per head of each man who is in the fund now, according to the strength, but I cannot say that I have gone into it like an actuary would.

350. Did you take into consideration the average age of the parties?—I looked at the average service rather; the age I have not got, except of the men above 60.

351. And the age at which they are enlisted differs in some forces, does it not?—Yes, it does.

352. To the extent, putting it as an extreme, of an average of 22 years and a fraction in one case, and 32 and a fraction in another?—I believe the average in my district would be generally 24½, but for the last two years it would be 22 or 21.

353. The average differs largely in various counties?—Yes.

354. That would be an important element, would it not, in calculating whether those funds were solvent or not?—If you take the length of service that would not be so.

355. But if you take length of life, a person is more likely to be incapacitated at one time than another?—Undoubtedly.

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Mr. Cotes—continued.

356. With regard to what the last witness said as to the 70 *l.* capitalised, do you differ from him; what would you say for boroughs?—Some of the boroughs are so very small, that it is impossible to say what would be sufficient for small boroughs.

357. What do you say with regard to service?—I should allow a man to claim his discharge after 20 years' service.

358. Would you give him any chance of continuing in the force beyond that?—Yes, till he gets up to two-thirds of the pay.

359. Under the present Act the widow of a policeman is entitled to a pension?—Yes.

360. Would you join in the recommendation of the previous witness that the children of a widower should be entitled to a pension?—Yes, I think that is an oversight of the Legislature.

Mr. Gourley.

361. I think you said you considered that 25 years was sufficient service for the men?—Yes, particularly for the serjeants and constables who walk.

362. Would you consider those who had enlisted at 21 unfit for service when they reach 46?—I should give them an opportunity of going upon the superannuation fund, if they chose to do so.

363. Would you propose to hold them in any relationship to the force, say as a reserve force?—I would offer them their pension and let them go if they chose; I would put them on the same footing as all other pensioners.

364. Would you not claim their services, in case of need, as special constables, or anything of that kind?—A man may go to another county, but he is always liable to be called upon to render service, if necessary, according to the Act.

365. Would you make the Superannuation Acts compulsory, or would you leave the discretion in the hands of the authorities, as it is at present?—I would certainly not leave it as it is now; I would make the Superannuation Acts compulsory.

Mr. Scourfield.

366. Are you of opinion that a better system of pension would attract a better class of men than increased pay?—I think a better system of pension would get a better class eventually, and it would make the men stay better; I do not think it would attract them at present.

367. Would you make their probability of obtaining a pension entirely independent of the superintendent; supposing they were to commit some gross act of insubordination at the end of a great number of years' service, would you make them liable to forfeiture or not?—I think there should be an appeal open to the Court of Quarter Sessions, after 15 years' service.

368. I think you stated that in Staffordshire there was a greater certainty, or that the fund was more securely established, than in any other county?—I stated that it was exceptionally good in Staffordshire.

369. And afterwards I think you stated that in Staffordshire there was a greater change of policemen than there was in Norfolk, for example?—Very much so.

370. Might that not be accounted for by the fact that in Staffordshire, which is a county of great commercial activity, the habits of the people are rather more changeable than they would be

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Mr. Scourfield—continued.

in a purely agricultural county?—There can be no doubt of it.

Chairman.

371. In the scale of pensions as laid down there are conditions attached to the pension that the constable is to forfeit such pension if he is guilty of any breach of the peace, or if he refuses to render assistance to the police in the execution of their duty, and there are, I believe, other conditions?—Yes; as well as I remember those are specially mentioned in the conditions of pension as laid down.

372. Just to clear up one of the answers you gave to Colonel Dyott, I do not think the allegation is at all that the men are deceived with regard to the promises that are held out to them, but that their grievance is, that there is so much uncertainty with regard to the conditions of pension?—The men complain of that.

373. Not that they are misled?—No, there is

Chairman—continued.

no false evidence or allurement held out to them beyond the wording of the Act itself, as it is generally understood.

374. There is one other point I should like to ask you about with regard to pensions not being given if a man was of bad conduct. I suppose it would be impossible for a man to receive his pension at 25 years unless he had been up to that time of good conduct in the force?—He must have surely earned a pension in 25 years; he must have been a good man to have gone on so long.

375. That seems to imply that even if a man had been in the force 25 years, but in the last year had been badly conducted, still he ought to have the pension; I suppose his getting a pension upon the 25 years' service depends upon his being then of good conduct?—Yes; I look upon it as being impossible that he should be otherwise than of good conduct to have remained in the force so long.

Captain WILLIAM PERCIVAL ELGEE, called in; and Examined.

Captain
W. P. Elgee.

Chairman.

376. You are the Chief Inspector of the Northern Division, I believe?—I am Government Inspector.

377. As inspector there do you find in your division the same complaint amongst the men, with regard to the present state of the superannuation fund?—There is great complaint about the uncertainty of the men getting pensions at the expiration of their service.

378. Do they complain that the pensions vary in different places?—No, I do not think they do; I do not think they have much cause of complaint in that respect; there are exceptions, of course, but generally speaking they are pensioned fairly, but they feel that they have no claim or no certainty at the end of their service of getting a pension at all, or what the amount may be.

379. Do you think they feel that the more because they themselves contribute to the fund?—Yes, I think they do to a certain extent, until it is shown them that they do not contribute in proportion to the amount they expect, but still they do feel it.

380. The men consider it a hardship that after they have served a certain number of years they should be liable, at the option of other people, to be dismissed with nothing?—Yes; and not that alone, but consider that they ought, irrespective of being broken down altogether, or as some of them say, having to scheme to get a pension, to be able to come forward and say, "We have completed the fair conditions of service, now give us a pension and let us go."

381. Do you think that if they were entitled to a pension such as has been suggested, such as that which has been adopted in the metropolitan police force, they would continue to serve after they have completed their term, say of 25 years, which has been suggested by other inspectors?—With regard to the superintendents, I think a great number of them would, because their situations are good, and their duty is not of that severe character which would prevent a man continuing his service; but as regards the serjeants and constables, from my experience I should say that not many of them are fit for much after doing 25

Chairman—continued.

years' service when the duty is properly done, that is, about nine hours a day for seven days a week; and in the north, which is a rough country, they have been generally pretty well kicked and knocked about in the course of their service.

382. Do you think that in the north they are more knocked about than in other parts of England?—Yes, I do.

383. Do you think that the efficiency of the service would be promoted by a change of this kind?—Yes, I do; I do not mean that upon joining the men often consider the question of pension, but that after they have been a few years in the service they begin to think about it; so that, instead of looking out for other situations, if they felt their pensions certain, they would remain where they are.

384. Instead of looking out for other situations you think you could retain them in the force?—Yes, in some of my jurisdictions the changes amount to 25 per cent., in a few of the forces nearly half change every year.

385. Do you think that in a force in which nearly half the men are changing every year a firm prospect of future pension would tend to their staying longer?—I think it would assist to a certain extent.

386. Do you agree with the other inspectors who have given evidence that it would tend to get better men into the service?—Yes, I think it would.

387. That the officers of the force would, practically, recommend the force, and persuade men to join upon that recommendation, whereas now they take no trouble about it?—Yes, I think to some extent it would be an inducement to them to do so.

388. Do you agree with the other inspectors with regard to the scale that they have suggested of future pensions?—I think the question of pension depends very much upon what would be reasonable and satisfactory to a considerable proportion of the force; if you make new terms you would like to make terms that would have the effect of bringing men into the force, and retaining them in it. As far as I understand the subject, I think the present conditions

Chairman—continued.

ditions ought to be retained; that is, that men who break down in health after 15 or 20 years should not be in a worse position than they are now, but that after 25 years there should be a pension for length of service; further, that the service should not begin to reckon until a man was 21, and that if he retired under 50 he should get half his pay, and that over 50 he should get two-thirds.

389. That is to say, if his retirement came at 55 he should be entitled to receive two-thirds of his pay?—Yes.

390. That would be a premium on men joining late, would it not?—Not at all; it is somewhat different pensioning a man at 46 from pensioning a man at 50, and there would be an inducement for him to remain until he was 50.

391. But if he had joined young, and had served his 25 years, that would not be an inducement for him to remain?—He would be induced to remain in order to get his two-thirds; but if he broke down in health at any time after he had completed his 15 or 20 years I think it is desirable to let him have the same opportunity of getting his pension as he now has under the present scale.

392. You would allow the present scale of gratuities for short services to continue, I presume?—Yes, I would.

393. Have you seen the scale of the metropolitan police?—Yes,

394. That scale resulted very much, did it not, from the inquiry that was instituted by Dr. Farr?—Yes.

395. Do you think that that scale works satisfactorily?—No doubt it does in the metropolis, because they are all under one commissioner; but it is "may" there, it is not imperative.

396. But with regard to the regulations, do you think that they are satisfactory?—Yes, I think that they are; but the great point with the force is to enable a man to get a pension after 25 years' service.

397. And that they should obtain that for good conduct as a right?—Yes.

398. That is to say, half-pay?—Yes; they should receive a pension of half-pay under 50 years of age, and two-thirds over that age. I also think a man should serve three years in the rank that he is pensioned in; that is to say, a man should serve three years as inspector if he is to be entitled to an inspector's pension, and the same with the superintendent.

399. You think that a man should serve three years in any rank before he is pensioned?—Yes, to prevent a man from being put into any higher rank for the purpose of being pensioned at a higher rate.

400. I suppose the chance of a higher rate of pension would be an inducement to men to continue in the service even after being entitled as constables to pension?—I think it would.

401. With regard to what has been said of the attempt to, what I call, bolster up the existing fund, as I may term it, do you agree that if certain fines and penalties and service money are appropriated to the superannuation fund in addition to the contribution of the men, that would make them self-supporting?—I think in most cases it would, as far as my knowledge enables me to form an opinion. I have only three counties in which the superannuation funds were established before 1855. In Lancashire the superannuation

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Chairman—continued.

fund was established in 1840; that is the largest of them. There is 45,180 *l.* capital; the pensions paid and the gratuities for 1874 amounted to 6,639 *l.*, and the income from all sources was 6,745 *l.*; so that the income and disbursements are pretty nearly even at present.

402. And what position is that force in with regard to its pensions; is the number of pensioners about the average number that a force of that kind ought to maintain?—It has not got to its maximum number; there are now 152 pensioners in the force, and the force is about 1,050 strong.

403. Can you state what number of pensioners would be the maximum average rate per thousand?—No, I cannot form an opinion upon that.

404. How are the funds in Lancashire capitalised?—They are generally lent to the county.

405. At what rate of interest?—£.4½ per cent. they pay now; they used to pay 5 per cent, but they have reduced it.

406. In Lancashire, do they supplement those contributions by fines?—Yes; very generally they give the moieties of the fines.

407. They give the moieties of fines in those cases in which the fines used to go to informers?—They give to the fund all that is allowed by the several Acts of Parliament under the Licensing Act, &c.

408. Can you give the Committee any idea of the proportions of the contributions to the fund, as between the men's contribution, the sale of cast-off clothing, the stoppages in sickness and misconduct, and the amount resulting from penalties?—During the year I spoke of, 1,763 *l.* was subscribed by the men; the amount of fines and penalties was 2,855 *l.*, and other receipts 399 *l.*; that is the sale of old clothing, and so on.

409. So that one-third, or a little more, was contributions?—Yes; 1,700 *l.* out of 6,700 *l.* I may mention, in reference to that, that if the fees for the service of summonses and the execution of warrants had been credited, the fund would have received 4,236 *l.* from that one source.

410. That is what is often the case in boroughs, is it not?—Yes, it is ordered in boroughs.

411. It is ordered, but it is occasionally not done?—It is occasionally not done, but where the Act of Parliament is complied with, it is done; the Act of Parliament requires it.

412. Do you think that if a fund could be brought into such a condition as you describe, of being self-supporting, from contributions of this kind, it would be preferable to abolishing the superannuation fund altogether, and charge the pensions directly upon the rates, with a fixed scale protecting the police?—I think that the system of a superannuation fund would be preferable to the other.

413. Will you explain to the Committee the grounds of that opinion?—I think in agricultural counties there would be a feeling very often on the part of the ratepayers with reference to the money they were paying for pensions; now they consider the men are being paid by their own subscriptions.

414. You mean that the counties are deceived to this extent, and that they do not think about the fines going to the fund, which otherwise would go to the rates?—Quite so; the ratepayers are not directly taxed to contribute, which makes all the difference.

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415. Would

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Chairman—continued.

415. Would it not be almost the same thing, supposing those fines went to the police rate, and the contributions of the men went to the same source, if the rate was charged at once to ratepayers?—It would practically, but I think that abolishing the funds would not be pleasing to the force; they have a strong feeling about them. The superannuation question is one that they take great interest in. I have inquired with reference to that point, and I can speak with great certainty with respect to it; they are proud of their funds.

416. With regard to the question of carrying a man's service into another force, do you also agree with the other inspectors that a man who is promoted for good conduct, should be allowed to take his whole service with him?—I think there would be no objection to that; the only objection I have heard raised was by an officer I was talking with the other day, and which was this, that it must not be compulsory, because it would be a drawback to his getting a situation elsewhere.

417. Then that officer was in favour of its being left discretionary?—Yes; he thought it would be to a man's disadvantage applying for appointment to another force if he had 15 years' service which had to go along with him.

418. Do you agree with the suggestion which was made about the children receiving a gratuity in the case of the death of a constable?—Quite so.

419. At present only the widow has a claim?—I think that children under 16 ought to have a claim; and again, I think that where a constable is killed in the execution of his duty, or dies from injuries which he has received, the widow should be allowed a pension and not a gratuity, and that the pension should be taken out of the rates. For instance, there was Serjeant Brett, who was killed at Manchester in the Fenian outrage. In Manchester they have a special Act, and under that Act the widow of a constable may receive a pension; and his widow is in receipt of that pension, but if he had been killed in a borough where they had not such an Act, she could not have received it. I think in those extreme cases where a man is killed, the widow has a strong claim and ought to be pensioned.

420. Can you account in any way for the condition of the funds in the different forces in your district?—It depends a good deal upon the men stopping or not stopping; some of the jurisdictions there are scarcely any claim upon the fund. In regard to the large boroughs, Sheffield has the most prosperous fund in the kingdom; it has a force of 300 men, and it has capitalised a sum of 41,000 £.

421. When did they begin their fund?—They began very lately, after the Act of 1859, but the fees for the execution of warrants and service of summons, which are very large indeed, have all been credited to the fund from the beginning, and they have only 19 pensioners upon the fund.

422. It is a force which has, as yet, hardly borne upon the fund at all?—No; the men do not stop very long there; a great deal depends upon that; in some places they change much more than others.

423. Then, supposing you got the men to remain in the service as you would wish, that would create a very serious charge upon the fund?—It would create a very serious charge, but it would be for the advantage of the service.

Chairman—continued.

424. In Sheffield, do you know whether this fund is lent to the borough?—I feel confident it is.

425. Have you thought at all whether by a scheme, such as the Scotch system of insurance, you could arrive at the same end?—No, I have not.

426. Do you think that this is very generally the complaint of the men throughout your district, or is it only in particular places?—I think the complaint is general, as far as my opportunities of observing have gone.

427. And that it has gone on for some years?—It has gone on for some years, and I rather think increasingly so.

428. Do you wish to place any statistics before the Committee?—I have a return here of the length of service of the borough and county constables.

429. What is the average length of service in boroughs?—There are 4,895 borough constables in my district, and between 20 and less than 25 years' service, there are 211; between 25 and less than 30 years, there are 114; and 30 years and upwards, 87; and the number above 60 years of age is 29.

430. Are those 29 in the force now?—Those are in the force now, but that includes Liverpool, and Liverpool is somewhat exceptional, because there are a good many men who are classed as constables who are clerks and bridewell-keepers, who do not work beats; 75 out of the 87 of 30 years' service are in Liverpool; and nine out of the 29 who are 60 years of age. Then with regard to counties, I have 3,668 county constables; of those, 85 are of 20 and less than 25 years' service, but only 29 of them are ordinary constables, the rest are officers; of 25 and less than 30 years' service, there are 23; of 30 years and upwards, 12, and above 60 years of age, 18.

431. So that there are a great number both in counties and boroughs, who would at once be able to avail themselves of your 25 years' term of service?—There are; of those I have just specified, there would be 35.

432. Those men are at present continuing in the force until the term of their 60 years has arrived; is that so?—Not altogether; amongst the upper officers, especially when they get their service up to a certain time, they are willing to go on as long as they feel themselves equal to the duty; many of the superintendents would rather remain than leave when they arrive at that rank.

433. How is the leaving arrived at; is it left to the option of the chief constable, or do the men themselves go?—The men apply for discharge themselves.

434. The chief constable occasionally discharges a man upon the ground of length of service, or of not being fit for service, does he not?—The chief constable occasionally says a man had better go if he is over 60 years of age; under 60 he cannot unless the man is absolutely unfit.

435. Would you give the chief constable any altered power in that respect?—No, I think I would let it remain as it is.

436. Is it not the case that a chief constable can now recommend a man for discharge previous to his reaching the age of 60?—If he is unfit for work; if he is incapacitated in mind or body.

437. Upon

Chairman—continued.

437. Upon a medical certificate?—Upon a medical certificate.

438. Or for misconduct?—He dismisses him for misconduct, but that is a different thing altogether.

439. Is there anything else which you would wish to mention to the Committee?—I think it would be very desirable if the accumulated capital were invested and not touched, and that any deficiency which might arise in the annual income should be defrayed from the rates.

440. That is to say, until the fund became self-supporting you would charge the rates with the annual deficit?—Yes; for instance, in Lancashire there is 45,000 *l.* capitalised, and the disbursements and the receipts are very nearly equal. As soon as the disbursements exceed the receipts, any balance should be paid out of the rates, and this 45,000 *l.* should not be treasured upon, because the future ratepayers will have the whole burden of pensioning the men who are serving now if this capital goes.

441. According to the present law, the whole of the capital must be exhausted before you can touch the rates?—Before you can touch the rates.

442. That has been the way in which the superannuation funds of a very large number of places have entirely disappeared, has it not?—Yes, quite so.

443. With regard to the metropolitan police their capital entirely disappeared at one time, did it not?—Yes; whatever accumulated fund there is, I think ought not to be touched under any circumstances.

Mr. Scourfield.

444. Do you think it possible, or, if possible, desirable, to have some general tables calculated of the superannuation allowances, which might be circulated amongst the members of the police force, so that they should clearly understand what they would be entitled to?—If there were new conditions of pensions given, then I think it would be desirable to do so, but they understand now quite clearly what the conditions are.

Mr. Gourley.

445. The last witness stated that he considered that the men composing the force now were deteriorated in physique from what they were formerly; what is your opinion of the men in your district in that respect?—I think the authorities are obliged, in consequence of the difficulty of getting men, to take men that they would not take if they had a better choice.

446. But, take the men that you have in Sunderland, could you have a finer body of men than those?—The Sunderland men are a very fine force.

447. How are the men in other districts compared with the Sunderland men?—It depends upon the district; in Northumberland you get men bigger than you get further south.

448. What class of men are they; are they labourers, or mechanics, or miners, or what?—They are all classes.

449. Do you find that the chief constables have difficulty in getting men?—I find the forces have a difficulty in that respect.

450. I think not in Sunderland?—Perhaps not there so much, but in Manchester and Liverpool.

Mr. Gourley—continued.

pool the forces have not been complete for the last three years.

451. Is Manchester in your district?—Yes.

452. How are the men in stature there compared with the men in Sunderland and Newcastle?—They are not so large.

453. And not capable of doing the same amount of work?—I would not say that; but still, they are not such fine men as you see further north.

Mr. Leeman.

454. Do you agree with Colonel Cobbe, that the Government should contribute to this superannuation in the same way as they contribute to the general expense of the force?—I do not think I do.

455. In what way do you differ from him?—As the Government would have no control in granting the pensions, I do not think they could be asked to contribute to them.

456. Might they not have some control?—If they had, it might be a different thing.

457. You do not dispute that superannuation forms a part of the general management of the police?—I cannot dispute that the granting of pensions should be made imperative, and not left to this discretion of the authorities.

458. Supposing the Government had three inspectors to pension, and required that they should have a report from one of you gentlemen before they granted a pension, do you think that would be control?—Yes; the Government could act upon that report.

459. Do you think that after 25 years' service, it is not much use trying to retain the men?—Not the sergeants or constables; not the men who have to do day and night duty.

460. You would abolish the 60 years' condition altogether?—Yes, I would abolish the 60 years condition; they cannot comply with it; it is too long to expect.

461. Take the case of a man who joined the force in July 1847, and served three years and nine months in one constabulary, and 10 years in another force, and now he has 14 years, and yet he can only reckon 19 years towards superannuation; would you give him a right to count the whole of those years, or a particular portion of those years different from what is the case?—I would not, unless he had gone from one force to another for promotion, and with the consent of the authorities of both those forces; I would not allow a man to change from one service to another, and carry his service with him as a matter of right; I think that would unsettle the forces more than is the case now.

462. Do you think that the people would like the pension to become chargeable upon the county rate?—I have a strong feeling that they would not.

463. And the same in boroughs?—I think in the boroughs they would not care so much about it as in the counties.

464. Do not you think that in some of the smaller boroughs they would grumble very much at having to pension the police directly?—Yes, I think so.

465. Whereas if it came under the general superannuation fund it would be more popular?—Yes, very much so, in my opinion.

466. In Durham they do charge the whole fines and fees now, do they not?—In Durham county they do not receive the fees.

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467. But

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Mr. Leeman—continued.

467. But they get the fines?—They get the moiety of the fines, all that is allowed by the Act of Parliament.

468. And that has made in recent times the fund of Durham somewhat like that of Lancashire; it has increased it materially, has it not?—It has largely so.

469. Supposing wages to come down again as they are doing in Durham, unless you do give them the whole of what you are now proposing, that fund would not be in the prosperous condition it is at this moment?—In the last year or two, the number of cases has been nearly or quite double what they were a few years back; and the moiety of those penalties going into the fund has been a great addition to it; it is above the average.

Mr. Torr.

470. You spoke of the Lancashire fund as being 45,000 £.; when did that fund commence?—In 1840.

471. You know the Liverpool force well, do you not?—Yes, I do.

472. Are they as fine a body of men as those my honourable friend opposite referred to in Sunderland?—They are a very fine body of men.

473. I wish to ask you this question; do you think that the certainty of men getting a pension on attaining a certain number of years' service, would be a more efficient aid to your force, and assist you in procuring men, than an increase in the wages of the men?—That is a difficult question to answer; it depends upon what extent you would increase the wages by. If you raised the wages to a very considerable extent, no doubt it might operate more strongly than an increased pension; but I think a certainty of pension would have great effect.

474. But I mean making a pecuniary calculation with reference to the cost of the force to the county, whether this superannuation, if made certain, would be a cheaper inducement to the men, looking at it from the point of view of the county than the rate of wage; which do you think would be the more attractive?—I think as regards first entering the force, the pay would have the most effect, but I think as regards keeping them afterwards, the superannuation would have very great effect.

Colonel Dyott.

475. We have been told by a former witness that no force, under 30 men, could maintain its fund in a state of solvency; no one can dispute that in all forces there is a strong feeling in favour of a superannuation fund?—That is so.

476. Then what number of force do you think ought to be able to sustain that fund, with the stoppage which, I believe, is about an average one now of 2½ per cent.?—It is a very difficult thing to lay down any rule of that kind, because there are so many things to be considered in reference to it; the first question is with regard to changes; some forces change their men more than others; in some places the earnings of the force are more than others; there is more money comes into the fund. For instance, in a quiet town the duties would be very much less than in a town where there was more doing.

477. I will make the question more intelligible, by assuming that the earnings of the men are not

Colonel Dyott—continued.

placed to the superannuation fund, but that the earnings in the shape of half the fines go to the police rate and not to the superannuation fund; therefore, assuming that all the earnings of the police are separated from the superannuation fund, what number of force do you think, under the rate of stoppage of 2½ per cent., would maintain itself in a state of solvency?—I do not think any force would.

478. But we know that they do from these returns?—I do not know of any force which maintains itself simply upon the 2½ per cent. deduction.

479. Do you think it a wholesome practice, that the earnings of the police should be placed to the credit of the police superannuation fund instead of the police rate?—I see no objection to that.

Mr. Gourley.

480. These returns merely show the state of the funds at present; I do not know whether you have looked at them; they do not show you what the probable prospective result will be?—They do not.

481. Have you gone into any calculations prospectively with regard to any boroughs or counties?—No, I have not had those returns long enough to go into the matter.

482. What is the general impression of the authorities; is it not this, that in the course of 10 or 15 years the whole of the funds will be bankrupt?—Yes, a very large proportion of them under present conditions.

Chairman.

483. Were you alluding just now to certain returns which you yourself possess, independently of the returns which have been made to the Home Office, in regard to the funds?—I have not seen the returns which have been made to the Home Office in regard to the funds.

484. Will you put those returns in?—I should like to hand in those returns, and also another with regard to length of service. (*The same were handed in, vide Appendix.*)

485. I suppose you want to say, in answer to Mr. Gourley and Lieutenant Dyott, that there are no funds, as far as you know, entirely dependent upon the 2½ per cent. contribution?—No.

486. There is no fund in your district which is now only maintained, as far as the superannuation fund is concerned, out of the 2½ per cent.?—Not that I am aware of.

487. Though the funds vary in the amount of the contributions, they are almost all supplemented by portions of fines which are ordered to be paid to the fund by the magistrates?—They are, or by fees for services of summonses, &c.

Mr. Cotes.

488. What is the case at Ashton-under-Lyne?—At Ashton-under-Lyne they have only 194 £., but they are going to establish a fund there now.

Chairman.

489. Have you ever had your attention called to the scale which at present exists in the Royal Irish Constabulary?—No, I have not.

Captain

Captain EDWARD WILLIS, called in; and further Examined.

Captain
E. Willis.

30 April
1875.

Mr. *Leeman*.

Mr. *Leeman*—continued.

490. HAVE you heard what I have asked Colonel Cobbe and Captain Elgee with regard to the contribution by the Government towards these superannuation funds?—Yes.

their opinion?—I concur in it, provided that Government take the control over the pensions.

491. And you heard their answers?—Yes.

493. Do you think that the control would be sufficient if they had the inspectors of the different districts to appeal to?—I think so.

492. Do you concur in what they stated as

Tuesday, 4th May 1875.

MEMBERS PRESENT :

Mr. Biddulph.
Mr. Fairfax Cartwright.
Mr. Cowper.
Colonel Dyott.
Mr. Gourley.

Mr. Grantham.
Mr. Leeman.
Mr. Scourfield.
Sir Henry Selwin-Ibbetson.
Mr. Torr.

SIR HENRY SELWIN-IBBETSON, BART., IN THE CHAIR.

Captain JOHN HENRY FORREST, called in; and Examined.

Capt. J. H.
Forrest.

4 May 1875.

Chairman.

494. I BELIEVE you are the Chief Constable of Hampshire?—I am.

495. Of what number of men does your force consist?—My force consists of 274 men, inclusive of myself.

496. That is the present strength of your force?—It is.

497. That, I suppose, is about the average strength of your force when made up to its full complement?—The authorised strength is 274.

498. I think your force was established in 1840?—It was.

499. And the fund was established at the same time?—In the same year.

500. What number of men have you in the force under five years' service?—That I am not prepared to say.

501. You have not the returns of the number of years' service?—I have from 15 years and less than 20; 20 years and less than 25; 25 years and less than 30, and 30 years and over.

502. Will you give those numbers to the Committee?—Fifteen years and less than 20, one chief constable, four superintendents, one inspector, 10 serjeants, and 15 constables; 20 years and less than 25, three superintendents, two serjeants, and four constables; 25 years and less than 30, four superintendents, three serjeants, and six constables; 30 years and upwards, two superintendents and one serjeant.

503. And what is the number of your pensioners upon the superannuation fund?—Four superintendents, three serjeants, and eight constables.

504. Could you give the Committee the amount of your fund at the present moment, with the receipts of the last year and the disbursements?—The amount of the fund upon the 31st of last December was 21,431 *l.* 19 *s.* 4 *d.*

505. Have you the total receipts of the last year?—The total receipts were 1,502 *l.* 5 *s.* 6 *d.*

506. Can you distinguish between the contributions of the men and the amount received from fines and penalties?—£. 425. 6 *s.* 8 *d.* was the amount of the 2½ per cent. reduction from pay; 38 *l.* 19 *s.* 7 *d.*, stoppages during sickness; 18 *l.* 18 *s.* 3 *d.*, fines for misconduct; 264 *l.* 11 *s.* 6 *d.*, moieties of penalties; 64 *l.* 19 *s.* 6 *d.* from casual payments.

Mr. Grantham.

507. What would that represent?—The sale of old clothing and sale of old stores, and so on; then 689 *l.* 10 *s.* interest on money invested; total, 1,502 *l.* 5 *s.* 6 *d.* I have not given the Committee the disbursements yet.

Chairman.

508. Will you give the Committee the disbursements also?—Pensions and gratuities, 743 *l.* 17 *s.*; other payments, 4 *l.* 14 *s.* 7 *d.*; total, 748 *l.* 11 *s.* 7 *d.*

509. Your fund, then, may be taken as being in a very satisfactory condition, judging from receipts?—I consider so for the present.

510. Do you conceive that it is in a position, as a fund, to bear this ultimate strain which may be put upon it?—Certainly not.

511. You cannot, I suppose, tell the Committee what you imagine will be the ultimate strain, the number of pensioners?—I cannot give the ultimate number accurately.

512. Can you suggest any additions to the fund which would make it absolutely self-supporting?—I can suggest such additions as would make the fund self-supporting for a good many years.

513. But not permanently self-supporting?—I do not like to say permanently, but I would make such suggestions as would increase the fund by about 600 *l.* a year, or more than that.

514. What would that increase come from; how would you propose to increase it—I think that if you added the money received under the 17th section of the Amended Constabulary Act for the service of process, money taken by the superintendents and other police officers acting as inspectors of weights and measures, for adjusting and stamping weights and measures, and fees for granting and endorsing pedlars' certificates, those three items would increase the fund by about 630 *l.* a year.

515. At present those fees for the service of summonses and warrants are received by the police in boroughs, I believe?—Those fees are received by the police in boroughs, and they ought to be carried to their superannuation fund.

516. They ought to be carried to the superannuation

Chairman—continued.

perannuation fund, according to the Act?—
Yes.

Mr. Gourley.

517. Is that under the 17th section of the Act?—That is moneys received under the 17th section of the Act, but the subject of the question which the honourable Chairman asked me just now would not be under that Act; it would come under another Act, namely, the 11th section of the 22nd & 23rd Vict. In addition to the above propositions for increasing the fund, in the 3rd & 4th Vict. c. 88, section 10, line 9, after the word "misconduct," I would strike out certain words and add, "and all fines imposed by any justice of the peace upon drunken persons or for assaults upon police constables, and all fines and penalties awarded to informers, being police constables, on summary conviction, shall be paid for the benefit of this fund."

518. What does the present Act say?—That such moieties of those fines and penalties shall be paid to the superannuation fund as the magistrate directs.

Chairman.

519. You would make it imperative upon the magistrates so to order them to be placed, and you would make it the whole penalty instead of the half?—Exactly.

520. With regard to the contributions which the men at present make to the fund, you would continue that as a source of support to the fund, would you not?—I would make no alteration in that.

521. Would you make any difference in the scale which all ranks should pay?—No, I think $2\frac{1}{2}$ per cent. all round is a very fair contribution.

522. It has been suggested that a different scale for serjeants and superintendents should be made?—I have not heard of that.

523. And you do not think it would be advisable?—I do not.

524. What else can you suggest?—In the 17th section, 3 & 4 Vict. c. 88, after the word "receive," which is in line 12, I would strike out certain words, and introduce "and shall be applied in aid of the Constabulary Superannuation Fund;" that would have the same effect as the suggestion which the Committee have already considered, of putting the counties and boroughs upon the same footing; that would carry the moneys received for the execution of warrants and the service of summonses to the superannuation fund. Then Jervis's Act (the 11 & 12 Vict. c. 43, s. 31) has a general enactment, that "if any statute shall contain no such directions for the payment thereof to any person or persons, then it shall be paid to the clerk of the county or riding," and so on, "for which the treasurer shall give him a receipt, without stamp;" but I would say, "if such statute shall contain no such directions for the payment thereof to any person or persons, then such clerk shall pay the same to the Constabulary Superannuation Fund." As it is at present, in the statutes in which there is no appropriation clause, any penalty imposed under those statutes would go to the county rate; but for the future I would suggest that where there is no appropriation clause, any penalty inflicted, especially in cases where the police are informers, should be carried to the superannuation fund.

Q.94.

Chairman—continued.

525. Does that make up the number of the suggestions you wished to offer?—That makes up the number of my suggestions.

526. Which would place the fund in such a position that, for a considerable period at least, it would be self-supporting?—I think so.

527. But even under those circumstances you would not feel justified in saying that you think it would be permanently self-supporting?—No; the Hampshire force has been going on for about 34 years; we have 15 pensioners, and the total pensions are 743*l*.; I reckon, looking at the way in which our fund increases at present, and what I propose to add to it by the suggestions I have made, would enable us to support 30 more pensioners.

528. That is to say, your fund would be able to carry 45 pensioners under these altered circumstances without trenching upon the capital?—Quite so.

529. Can you account at all for the fact of the number of pensioners in your force, which has existed since 1840, being so small?—There have been more pensioners than those at present upon the fund; but a good many of them have died. We should have had a good many more pensioners upon the fund than are shown, supposing they had all lived.

530. But does 15 represent the average number of pensioners which you have had upon the fund during the last few years?—No, because the number has increased.

531. Has the number increased slowly?—Yes, it has.

532. I suppose you are aware that that number is a very small one compared with many other places?—Yes, I believe so.

533. And is also a very small one compared with what was laid down in Dr. Farr's report with regard to the metropolitan and county and borough police?—It is.

534. In that report I believe it is stated that nearly one-half of a given force may be looked to as pensioners upon the force at some time or other?—Yes, that is so.

535. In that case your force would evidently not be self-supporting, even under those altered circumstances?—No, it would not.

536. Under those circumstances, if there was an increase of pensioners, the rates would still be liable for the pensioners?—The rate, I fancy, would be liable as now under the Act of Parliament.

537. That is to say, upon the exhaustion of the capital of the fund?—Quite so. I believe with care that our fund would go on for a great many years without trenching upon the rates at all.

538. Are the men of your force satisfied with the present scale of pensions, and the state of the fund?—They are satisfied with the state of the fund, and with the amount of pension which they get from the fund; but they are not satisfied with the conditions upon which it is granted.

539. Can you state what it is you believe the men complain of with regard to the present conditions?—I believe the men would like a fixed pension after a certain number of years' service.

540. That is to say, that instead of the present regulation, which allows a pension upon a medical certificate on the recommendation of chief constables, being granted to men for services

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Chairman—continued.

vices of 15 years and upwards, and a pension upon the recommendation of the chief constable on and after 60 years of age, they would ask for a given fixed term, upon the completion of which they might claim a pension?—Yes, quite so.

541. Do you know what that term of years is?—No; but I have considered the question myself.

542. What is your own opinion of the term of years which should entitle a man to claim a retiring pension?—I would suggest two scales of superannuation; one for constables discharged in consequence of infirmity of body and mind by the chief constable, and the other for constables who claim their discharge with a pension.

543. That is to say, that a constable who was discharged on a medical certificate and recommendation would take a higher rate of pension than a man who claimed his discharge because he had served a certain number of years?—Yes.

544. What number of years' active service would you consider should entitle a man to claim his discharge?—I would allow a man after 20 years' service to claim 20-60ths; that would be one-third.

545. Would you allow him to claim on a scale rising by the number of years' service?—I would give a man 20-60ths after 20 years' service, and increase him 3-60ths for every year's service after that.

546. Up to what period?—At the end of 30 years I would let him claim full pay.

547. And you would do away with any limitation as to age in the consideration of his claiming his pension?—Yes, I would in that case; but then I would calculate his pension not upon the same basis as I would calculate the pension of a man discharged by reason of infirmity. In the case of a man claiming his discharge with a pension, I would take the total pay which he had received during his service, and divide it by the number of years' service. I should add that I would not calculate that man's pension upon the rank which he held at the time when he was discharged, but upon the average amount of his pay. I would take his service in this way; that he had served so many years as a constable, and so many years as a serjeant, and so on, receiving so much altogether, and divide it by the number of years' service, and calculate his pension upon the average annual pay which he had received during his service.

Colonel Dyott.

548. You say, after 20 years' service, a man might claim his discharge and receive one-third of the average of his pay during his service?—Quite so.

549. That is one scale?—Yes.

Chairman.

550. Will you give the Committee the other scale for men discharged upon medical certificate for infirmity?—Yes, taking a constable discharged for infirmity of body or mind; in fact, discharged not by his own consent, but by the chief constable, I would give him 20-60ths of his pay after 15 years' service, instead of after 20 as in the other case. I would increase 2-60ths up to the completion of 20 years' service; and I would give him 3-60ths per year from that time up to the completion of 30 years' service, and that would give him full pay retirement.

Chairman—continued.

551. Would you take that in like manner upon the average of his years' service?—No; I would take that upon the rank which he held at the time of his discharge.

552. You would make that distinction between the two classes; in the one case the scale would be calculated upon the average years' service in the various classes, and in the other upon the rank which he held at the time of his discharge?—I ought to have stated before that up to the completion of four years' service I would give the man nothing; from that time to the completion of 10 years' service I would give him a gratuity of a month's pay for every year's service; from 10 years up to 15 for every year he completed I would give him a gratuity of two months' pay.

553. That is in the way of a gratuity somewhat upon the scale which at present exists in the Metropolitan Police force?—Precisely so.

554. At what period would you allow a man to begin counting service?—I would allow him to begin counting service from the time he joins the force.

555. Even if he joined at 18 or 19 years?—Yes; although I do not myself think I should take a man in under 20 years of age.

556. But that leaves it in the discretion of the chief constable at what year he begins his service?—Yes.

557. Do you not think it would be advisable to fix the period at which such service should begin?—Yes; I should think it might be fixed at 20 years.

558. Therefore upon your scale a constable would be entitled to full pension when he was 50 years old?—Yes.

559. Would not a scale such as you have suggested create a very much larger drain upon the fund than your present system?—I suppose it would.

560. Therefore your calculations would be a little upset if you made them on the present system of carrying out the pensions supposing this new scale was adopted?—My calculations are made upon the law as it at present stands.

561. Then we should be in a worse position with regard to an absolutely solvent fund?—Yes, I suppose so; but at the same time I think that a constable after 30 years' service is not of much use for hard work, no matter at what age he may have joined.

562. Do you find at present that the question of superannuation at all affects your enlisting men?—No, I do not think that it does.

563. Does it affect the men remaining in the force at all?—I think so.

564. After the men have enlisted they are more apt to leave the force in consequence of the uncertainty of the present rate of pension?—Certainly.

565. Do you think that the scale of pension, with a power of claiming it at a given time, such as you have suggested, would tend at all to retain men in the force?—Yes, I think that it would.

566. Would not that object be met by an increased scale of pay as well?—No, I think it would be more likely to be met by a certainty of pension.

567. You would establish a pension fund in aid of the pay?—Yes, I would.

568. You believe that you would get men at a cheaper rate with a prospect of a pension than at present?

Chairman—continued.

present?—I do believe that men would join at a lower rate, with a certainty of pension after a stated period of service; but not at a lower rate of pay than at present.

569. At the same time, while retaining them in the force, you would get a more able and efficient body of men?—Yes.

570. The average age of men enlisting in your force, I believe, is about 24½, or nearly 25 years?—It is.

571. The ordinary work of a constable, I believe, is about nine hours a day?—The ordinary work of a constable is 10 hours during the day and night.

572. Therefore, I suppose, men who have been 25 or 30 years in the force are, practically, used up to a great extent?—Yes; you must find an easy place for them somewhere.

573. There is one other point which I wish to ask you about: would you allow the men who had been in the force, on leaving, to carry their years' service into another force?—No, I would leave it optional to the force taking them.

574. At present I believe the law allows a man to count half his service?—Yes, with the consent of the force he goes from and the force which he joins, he may take half his service with him.

575. Have you found any complaint in your force with regard to that limit?—No; what I find in my force is, that they are too apt to join the Metropolitan Police, and they never ask to take anything with them.

576. Is that in consequence of the rate of pensions which is established in the Metropolitan Police?—I think the reason of the men leaving our force and joining the Metropolitan Police force is in consequence of the pay being much higher, and in consequence of the liberty being much greater. The men in the Metropolitan Police get one day's leave in 14 days, besides the ordinary yearly leave, and they are allowed to go about in plain clothes when off duty; the Metropolitan Police have large establishments in Haslar and in the Clarence Victualling Yard, Gosport, while I have a weak force in Gosport. That is the disadvantage I am placed in there.

Mr. Grantham.

577. For what purpose is the establishment at Haslar?—The force is employed in the Hospital and the Royal Victualling Yard.

578. They are under the charge of the Metropolitan Police?—Yes.

579. For what purpose are those places placed under their care rather than under yours?—I believe that was done by Sir George Grey, or in his time.

Mr. Gourley.

580. The police are placed there to look after the stores, are they not?—Yes.

Mr. Grantham.

581. Are there other Government offices in the country under the Metropolitan Police in the same way?—Yes, the dockyards. Plymouth, for example, is an exactly similar case.

582. And managed by Scotland Yard?—Yes.

Chairman.

583. Do you believe, supposing the present fund was abolished, and the charges of pensions thrown directly upon the rates, that that would be to the disadvantage of the force; that is to 0.94.

Chairman—continued.

say, as you have stated that the fund cannot, under what you have suggested, be made permanently self-supporting, but that it must ultimately fall upon the rates to come in support of the capital when spent, would it not be a more satisfactory and simple form to charge the pensions directly upon the rates, paying all the charges that now go to the fund to those rates, and laying down, for the protection of the men, a fixed scale of pension?—I do not think it would be so satisfactory to the county. I think as long as the chief constable is responsible for that fund, there is a much better chance of its being looked after.

584. I suppose you really mean that it comes between the ratepayer and the police, as a sort of buffer?—Quite so.

585. But practically, after all, the rates being responsible, and the rates losing to the amount of the sums earned by the men and placed to the credit of this fund, it is the rates that have to find the pension?—Yes, there is no doubt about it; if this money did not come to the fund it would be paid to the police rate.

586. At the same time, you think that the magistrates would look more carefully after the distribution of the pensions, if paid out of the rates directly instead of out of this fund?—If they knew that the consequence of the fund being absorbed would be that the pensions would come upon the rates, I think the fund would be more likely to be properly administered.

587. You say the fund would be more properly administered, but surely the same recommendations by the chief constable would be made to the people administering the rate in that case as are now made to the people administering the superannuation fund?—But the chief constable would in no way be responsible for the collection of money in aid of the fund; if pensioners have their pensions paid out of the police rate there would be no further responsibility upon the chief constable as to the state of the fund. I should have explained that, in Hampshire, by an order of court, all moietyies are paid direct to the superintendent of police, and accounted for by him every month to the chief constable. It does not go through the treasurer at all in the first instance; it does not go through the clerk to the magistrates.

588. You mean that the moietyies of penalties come directly into the hands of the police?—The moietyies of penalties come directly into the hands of the police. If I were a superintendent, and you were the chairman of the bench, if a man was fined 5*s.* for being drunk, 2*s.* 6*d.* of that would be handed over to me directly, supposing the defendant pays the penalty.

589. That is not the case generally, is it?—Not generally.

590. Has that practice existed long in Hampshire?—Yes, it has existed for a long time.

Mr. Grantham.

591. With regard to this fund, whether it should be upon the rates, or supplemented in the way you have suggested, do you think that the fund being supplemented by those fines and various sources, makes you and the officials look after the fines better than you would do if the fines went simply into the rates?—I have no doubt it does. Every superintendent of a division sends me a monthly statement of all monies

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Mr. Grantham—continued.

monies which he has received, and if a man is allowed time to pay, in his return that sum is specified. This return is examined with the charge-sheet and summons-sheet, and if there is one penny not paid which ought to have been paid, it is referred back; all the back payments are entered into a book, and once a quarter those back payments are copied and sent back to the superintendent, who has to account for them to the chief constable.

592. Then all the time that you think that the basis of the superannuation fund is the subscription of the men and the fines imposed upon various persons, there is a greater probability that the fund would be kept up if those fines were enforced and paid to the fund than if they went to the rates?—Yes, a much greater probability; in fact, if they went to the rates there would be no fund.

593. You naturally think that the men would take very much greater interest in having those fines enforced?—I should not like to say that the men would take a greater interest in having those fines enforced, because that would have a bad effect, perhaps.

Chairman.

594. You do not mean that the men are affected by that consideration?—Certainly not; I never let them suppose that they are affected by persons being fined; still, they know that it all goes to the general fund for their benefit.

595. Will you tell the Committee how your funds are invested?—There are 9,700 *l.* upon loan to the Police Stations Building Account.

596. At what rate of interest is that lent?—Three and a half per cent.; and there is 6,000 *l.* on loan to the county lunatic asylum.

597. At the same rate of interest?—Yes, at the same rate of interest; and then there is 5,000 *l.* on loan to the New Courts Building Fund, 461 *l.* 5 *s.* in Consols, and there is 270 *l.* 14 *s.* 4 *d.* in the hands of the treasurer.

Mr. Scourfield.

598. When your men leave your force, do they mostly go to the London force or to other forces?—It is difficult to trace them.

599. You do not trace them?—No.

Mr. Gourley.

600. Do you consider your investment in police buildings a good security?—Yes, I think so, perfectly good.

601. You consider that the police buildings are worth the money which the authorities lend upon them?—The money lent is repaid by instalments.

602. After a certain number of years?—Yes.

603. For what period do you make your engagements with your men?—They give a month's notice to go, like an ordinary domestic servant.

604. But there is no compulsion with reference to the number of years which the men are bound to serve?—No.

605. Do you think it would be any advantage to make the notice longer than it is at present?—No, I do not. If a man dislikes the service, and wishes to leave, I consider him from that time useless, and would let him go immediately. I do not think it of any use keeping an unwilling man in the service.

Mr. Gourley—continued.

606. How many years do you consider a man an efficient policeman; suppose the man enlists at 20, how long do you think he would be of use in the force?—I think he ought to be very good to 45 years of age.

607. At 45 would you give him a full pension?—No, I would not give him a full pension until he was 50, after 30 years' service.

608. Would you propose to leave the granting of pensions in the hands of the authorities, as it is now, or would you make it absolute?—I would make it absolute. I would give the quarter sessions no option in the matter.

609. What class of men have you in your force, as compared with the ordinary men in the neighbourhood?—They are far more intelligent than the ordinary labourers of the county.

610. You consider your men picked men?—Yes, and they can all read and write.

611. Do the men get any allowance beyond their pay?—No, except they are upon special duty; they get clothing in addition to their pay.

612. They have no house rent or coal allowed them?—No.

613. You think you would get a better class of men by having a better system of pension?—I think I should retain the men longer in the service.

614. But do not you think that you would get a better class of men?—No, I do not think that I should.

615. Do you think it would be an advantage to place the police in the country entirely in the hands of Scotland Yard?—I think it would be to the advantage of the police to place them under the Secretary of State.

616. Instead of as in county and borough divisions as at present?—Yes.

617. You would grant all fines arising from the intervention of the police to the benefit of the superannuation fund?—Yes.

618. Would you place the whole of the fines arising from the work done by the police to the credit of the superannuation fund?—Yes.

619. What amount per head do you think ought to be capitalised to make that fund solvent?—I do not know.

620. Your present capital is something like 70 *l.* a head, is it not?—I do not know about that; I have not calculated it.

Mr. Grantham.

621. What are your constables paid when they first join?—Nineteen shillings and ten pence.

622. When is their pay increased?—It is somewhat discretionary with me; the first class is fixed arbitrarily at 100 constables, and the second class not to exceed 100.

623. When does a man entitle himself to enter the first class?—The number of the first class is fixed, and unless there is a vacancy I cannot promote; but to the second class, which is not limited, I can promote.

624. Is there a third class?—Yes; the third-class pay is 19 *s.* 10 *d.*

625. How many does that class consist of now; of 72 men?—No, nothing like it.

626. Because your numbers are 274, your first-class is fixed at 100?—My first-class is fixed at 100, and my second-class is at present 94. I refer to constables only; 274 includes all ranks.

627. And you have the power of making it 100?—I have.

628. And

Mr. *Grantham*—continued.

628. And therefore it is not 100?—No, it is not.

629. What induces you to promote a man from the third class into the second?—I promote a man from the third class into the second, if he is recommended by the superintendent for intelligence, or good conduct, or anything of that sort.

630. Wherever a man may be situated he may be promoted from one class to another, and still remain in the same division?—He may remain in the same division of the county.

631. The only difference being an increase of the pay?—That is all. I never promote a man without a recommendation from the superintendent under whom he is immediately serving, except for some meritorious act in the execution of his duty.

632. What is the amount that a man gets when he is in the second class?—In the second class he would get 1 l. 1 s. 7 d.

633. What would a man get in the first class?—The pay of a first class man is 1 l. 3 s. 4 d.

634. Those are the three classes of men irrespective of the classes above them, such as serjeants and superintendents?—Quite so; it has nothing to do with that.

635. So that it would be a direct inducement to a man to behave himself well and to get from one class to another if your system of pensions were adopted of taking his whole years of service and dividing it by his annual pay?—Quite so.

636. With regard to the special duty, what extra pay does a policeman get for extra work?—That is left to my discretion; if a man goes to a distant part of the country or is at extra expense, he sends his account in to me, and I allow it.

637. It is merely paying money out of pocket?—Merely paying money out of pocket.

638. It is not really an increase to his wages?—It is not.

639. I do not know whether you are aware of what would be the effect of your proposed system upon a man who retires from length of service, but it appears to me that you propose that after 20 years a man should be entitled to a pension of one-third?—Yes.

640. And that from 20 to 30 years' service, 3-60ths should be added every year?—Yes.

641. Up to 29 years' service, therefore, he would be entitled to 47-60ths?—Yes; but this scale only applies to those who claim a pension on discharge.

642. And when he gets to 50, he would be entitled at a jump to 13-60ths more?—Yes.

643. For that one year's extra service?—Yes, it is done with the object of retaining the men in the service, because a constable who is discharged from inability at the end of 30 years' service, would claim full pay.

644. But why should you give him so much more, merely for one year's service?—I do not consider that it is so much more for one year's service, but I consider I am giving him so much less, previously, with the object of retaining him in the service, that he should not take his discharge and take a pension; it would be more in his interest to remain in the service until the completion of his 30th year.

645. In regard to your present number of pensioners, you say that you have only 15; what is the most that you have ever had?—I am not prepared to answer that question, but I should say certainly not more than 15.

Mr. *Grantham*—continued.

646. Your force has been established for 34 years?—It has.

647. Would not 34 years fairly represent the period of service of 270 men?—I reckon that we lose, or have lost, nearly one-fifth of the force a year; that we have replaced to that extent.

648. In fact, you got rid of them without having to pay them a pension?—Yes.

649. Is that a loss to the service of the county?—Yes, I think it is very bad economy indeed not to keep your constables; I think that Hampshire for a long time exercised very bad economy indeed by paying the constables so low that they did not remain in the service.

650. The men did not do the same service to the State as if they had remained in the service?—No.

651. Have you ever had an actuarial estimate made of what the number of pensioners is likely to be?—No; except the report of Dr. Farr.

652. But that was not with regard to Hampshire?—It was with regard to the police generally.

653. Can you tell the Committee what number of pensioners you would have upon Dr. Farr's principle?—No, I have never tested it.

654. Having only 15 now, and that being the greatest number you have ever had, why do you think you might have as great a number as 45?—Looking at the length of service of the members of the force.

655. I find there are 56 at the present time in your force who have served over 15 years?—I daresay that is correct.

656. Do you think that out of that 56 you would have as many as 30 pensioners at one time added to your present number of 15?—No; not at the same time.

657. Then if you would not have 30 pensioners at one time added to your present number, how should you ever get as many as 45?—Because every year those men are getting older, and their length of service is becoming greater.

658. But some of them would die and others leave; however having drawn your attention to that, I will not follow it up; do you think practically that it would tend to give permanence to the force if men knew upon entering young they would be entitled, after a certain number of years' service, to some provision for life?—Yes; I think however small the pension may be if the men knew it was certain it would tend very much to keep them in the service.

659. Their minds would be settled during the period they were serving, and they would look upon that as their home?—Quite so.

Mr. *Cowper*.

660. You have not thought how much money would require to be capitalised for each individual of the force?—I have not.

661. Colonel Cobbe stated that he would be satisfied if he had 70 l. capitalised for each man; are you aware that you have already very nearly 80 l. for each man?—I have not made the calculation.

662. You do not think you have got enough with that?—No.

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663. I wish

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Mr. Fairfax Cartwright.

663. I wish to ask you whether the men who are dissatisfied with the present system of superannuation are the best men or are merely grumblers?—No, I think the best men are amongst them. I have no doubt that the dissatisfaction exists amongst superintendents as well as those of any other rank.

Colonel Dyott.

664. I should like to ask exactly what your recommendations are upon a man being discharged, and at what rate of pension you consider he may claim his discharge, and be entitled to his discharge, after 20 years. I understand it is one-third of the pay of his average years' service, and after 30 years he may claim discharge with full pay of his then rank. Now, I want to know what rate of pension you would recommend to men whom you yourself discharge from infirmity, or inability, or disease; if you discharge them after 30 years' service, what rate of pension would you give them?—After 15 years' service I should give them 20-60ths.

665. After 15 years' service you would give them one-third, do you mean, of the pay of the rank they hold?—Yes, and I would give them an annual increase of 2-60ths for every year up to the completion of their 20th year's service; that would give them half-pay at 20 years' service. After the completion of 20 year's service I would give them an annual increase of 3-60ths up to 30 years, and that would bring them to full pay.

Mr. Gourley.

666. Do the men find any fault with the existing system of superannuation and deductions by reason of having 2½ per cent. deducted?—No.

Chairman.

667. Let me ask you one question more; you propose, as I understand, on your scale to give men the full pension when they come to 30 years' service?—Yes.

668. You do not, therefore, contemplate any man remaining in your service in the police force after, we will say, the age of 50 or 52?—No.

669. At present, in your existing force, have you no men over that age?—Off-hand, I could say we have men over that age.

670. Are they still serviceable men, and able to do a fair amount of work for the county?—Yes, but they are men in the higher ranks. I do not think that a constable could do the ordinary work of a police constable, but men who have risen to the rank of a superintendent I think may go on.

671. Yet you would say that you would at once put a stop to that for the future, by allowing a man to retire, which, of course he would do on full pay?—I am not quite sure that the superintendents would; I rather think they would go on serving, but I would better a man's position by allowing him to retire after 30 years' service on full pay.

672. You would place him in a position different from that of any other civil servant, who, as we know, does not retire on full pay?—I do not know about the civil service; in the military service, after 30 years, full pay service a certain number of officers can retire on full pay. Police service is very peculiar, and very often the members of it find it a very uncivil service.

Mr. Fairfax Cartwright.

673. They would not retire on full pay as superintendents, would they?—Yes, if the man held the rank of superintendent upon his discharge he would take his pension on the pay of that rank.

Mr. Grantham.

674. Upon your principle he would not get the pay of a superintendent on retiring, because he would only get the pension of the average pay he had received during his life?—That would be if he claimed it. In the army a certain number of officers are allowed to retire after 30 years' service on full pay; that was my principle.

675. You have not told the Committee what pay the sergeants and superintendents get; I should like to know that?—By the week a first-class superintendent gets 2*l.* 18*s.* 4*d.*; a second-class superintendent, 2*l.* 14*s.* 3*d.*, and a third-class superintendent, 2*l.* 10*s.* 2*d.*; a detective inspector, 2*l.* 2*s.*; an ordinary inspector, 1*l.* 19*s.* 1*d.*; a detective serjeant, 1*l.* 13*s.* 3*d.*, and an ordinary serjeant, 1*l.* 9*s.* 2*d.*

676. You have nothing between a serjeant and a constable?—No; if I am not out of order, I should like to draw the attention of the Committee to the superannuation of chief constables.

Chairman.

677. The Committee would like to hear any remarks that you have to make upon that subject; at present, as I understand the law, the chief constables' pensions are charged upon the police-rate?—The pensions of chief constables are charged upon the police-rate, and they are calculated on their pay precisely on the same scale as a petty constable, and my point would be this, that in some counties the allowances made to the chief constable for travelling have been by the quarter sessions made large in preference to increasing his pay, so that, as regards a chief constable, at present the pension would be smaller in proportion.

678. There is no deduction from the rate of pay, I believe?—There is no deduction from the chief constable at all, and what I would suggest is that the chief constable should be pensioned upon his pay and other contingent advantages. Taking myself, there are not many chief constables who are situated as I am, because there is a very good house in Hampshire which I occupy, with seven acres of land attached to it, and I am charged no rates nor taxes, nor do I pay anything for the house.

679. That is to say, they are part of the original contract for salary?—Yes, and if I were to be pensioned, I do not know what the rate would be. I believe that if the Act was read strictly, I might be pensioned upon the pay which I receive, which, in comparison with the size of the county and the population, and so on, is very small indeed; but it is made up by a house and land worth 150*l.* a year.

Mr. Grantham.

680. What is your salary?—£. 400 a year.

Colonel Dyott.

681. Are there any travelling expenses allowed?—Yes, 150*l.*

682. Then you have 550*l.* a year?—I have 550*l.*, pay and travelling expenses, and a very good house.

683. And

Chairman.

683. And you state that the pension would be calculated upon the pay alone?—Yes, it might be calculated upon the pay alone.

684. Without including the travelling expenses?—Quite so.

685. Or the house?—Yes, or the house; so I understand it.

686. That was part of the original arrangement, I presume?—Yes, as to pay and allowances, but there is no arrangement as to the basis on which I may be superannuated. There are very few counties in which the chief constables have houses. I only know two counties besides Hampshire in which that is the case.

Mr. Fairfax Cartwright.

687. Of course I take it, you would suggest that the chief constables should have the right of claiming their pensions?—I would put them exactly upon the same scale as that of the constables, whatever that is, except that he should be pensioned upon his pay and contingent advantages. A chief constable might have 400 *l.* a year pay, and 200 *l.* travelling expenses, and he could be pensioned upon his salary only, whereas no doubt 100 *l.* of the travelling expenses would be *bonâ fide* pay.

Chairman.

688. Would you put a chief constable upon the same footing as a constable with regard to contribution?—I have never thought of that, but I do not see why he should not be.

Colonel Dyott.

689. Do you think that 200 *l.* a year would be

Colonel Dyott—continued.

a pretty good retiring pension for a chief constable?—I should not, but it would depend upon his length of service.

690. In the county of Stafford we have a retired chief constable, and he gets 200 *l.* a year, and the pay of the chief constable at this moment in the county of Stafford is 600 *l.* a year, and 150 *l.* travelling expenses?—I do not know that; I know that it is very good pay in Staffordshire, but I do not know how long it may last.

691. You have said that you do not think the pension is a liberal one?—It depends upon the service.

Mr. Gourley.

692. What pension do you think a superintendent should have at the end of 30 years' service?—Full pay.

Mr. Grantham.

693. I wish to ask you one question upon a point which has not been mentioned; have you considered the difference of age at which chief constables entered the service from that of ordinary constables?—No, I have not; I think if I were selecting a chief constable, I should take a young man in preference to an old one.

694. You would not take a chief constable at the age of 20?—No; but I would take him at 28. An ordinary constable is older at 50 after 30 years' service than a chief constable at 60.

695. Are there any instances of one as young as that to your knowledge, being taken?—I cannot say; I was not very much older myself; I think there are several; I was four years chief constable of Nottinghamshire before I became chief constable of Hampshire.

Captain HENRY CHRISTIAN, R.N., called in; and Examined.

Chairman.

696. You are the Chief Constable of Gloucestershire, I believe?—I am.

697. Can you give the Committee the particulars of your force?—At the present moment the force consists of 302 men. It has been lately augmented by 12 on account of the extension of the boundaries of the city of Gloucester, whose police I have under my management; that has been done since the 1st of October last.

698. Can you give the Committee the average length of service of your force?—Yes; there are 26 men altogether of from 15 to 20 years' service; there are 29 men of between 20 and 25 years' service; there are 18 men between 25 and 30 years' service, and there are nine men of upwards of 30 years' service.

699. Will you give the number of superintendents and serjeants upon the same principle?—There are three superintendents between 15 and 20 years' service, two superintendents of between 20 and 25 years' service, one superintendent between 25 and 30 years, and three superintendents above 30 years' service. There are two inspectors between 15 and 20 years' service; one inspector between 20 and 25 years' service. There are six serjeants between 15 and 20 years' service; 14 between 20 and 25; 11 between 25 and 30; and one upwards of 30. There are 15 constables of between 15 and 20 years; 12 between 20 and 25; six between 25 and 30; and five of 30 years and upwards.

700. Your force was established, I believe, in 0.94.

Chairman—continued.

1839?—The force was established on the 1st November 1839.

701. And your superannuation fund was established two years later?—The superannuation fund was established two years later, in 1841.

702. What is the amount of your superannuation fund at the present moment?—£. 14,027 14 *s.*

703. How is that fund invested?—In the 3 per Cent. Consols.

704. Is all of it invested in that way?—All of it.

705. There is none of it lent to the county?—No part of it whatever.

706. What are your annual receipts?—The total receipts are 1,112 *l.* 15 *s.* 9 *d.*

707. Can you give at all the proportions in which that sum is made up?—£. 448. 17 *s.* 3 *d.* were contributions by the members of the force at 2½ per cent., and the fines; we do not take anything from our men during sickness.

708. Do you take anything for the sale of clothing?—The 448 *l.* from the members of the force was for the 2½ per cent., and then the moiety of fines and penalties received into the superannuation fund amounted to 240 *l.* odd, and 423 *l.* for other receipts, which is from the 3 per Cent. Consols and other items; portions of fines awarded to members of the force in inland revenue cases which were 2 *l.* or 3 *l.*

709. Can you give the Committee the disbursements at the same time?—The disbursements were 1,248 *l.* 1 *s.* 3 *d.*

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710. Therefore

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Chairman—continued.

710. Therefore your disbursements in the year exceeded your receipts?—Yes, by 135 l.

711. Do you consider the position of your fund a satisfactory one?—Not at all.

712. It is upon the turning point, is it not?—It is upon the turning point towards bankruptcy.

713. When you are beginning to encroach every year upon capital?—Yes.

714. What is the number of pensioners which you have upon your fund?—Thirty-eight.

715. Under that condition of things, I suppose you would not say that 38 is the full number of pensioners which you are likely to have upon your fund?—Not at all.

716. I understood you to say that a number of your men were at the present moment over 20 years' service?—Fifty-six men are over 20 years' service.

717. A certain number of those are coming towards 60 years of age when they will fall upon your fund?—They are.

718. In what way would you propose to correct this state of things?—I would recommend that the fees for the execution of warrants and the service of summonses should be paid into the fund; last year they amounted to 200 l. 15 s. 6 d. The fees received for pedlars' licenses and endorsements also last year came to 192 l. 10 s., and the fees from the inspection of weights and measures, which is all police work, 36 l. 0 s. 10 d., and also moieties of fines received from the clerk to the magistrates.

719. Do you mean fines in all cases?—Yes; last year the whole sum amounted to 514 l. 9 s. 8 d., and the half of that would be 257 l. 4 s. 10 d.

720. Under what Act is that?—That is under the 17th Section.

721. That is the same Act which Captain Forrest alluded to, is it not?—Yes.

722. Are there any other additions which you think might be made to this fund?—No, there are not.

723. Do you think that those additional contributions to the fund would place it at all in a position which would meet your pension list in future?—The additional contributions would increase our pension list by about 686 l. a year, which would keep it in a state of solvency for some years; I would not say permanently.

724. But it would after all be only a temporary measure?—Yes; if we had the whole of the fines instead of the moieties of the fines, that would make it quite certain.

725. You think that if the whole of the fines in cases in which the police are informers were paid, instead of the half as at present, you would get a sufficient support to the fund to make it self-supporting?—I do.

726. Would it be sufficient to make the fund self-supporting for a force of 300 men?—Yes.

727. What scale of pensions do you recommend at present?—The scale of pension adopted in our county is about a third of the amount of pay after 15 years' service, increasing with every year's service, until at 21 years' service the amount of the superannuation equals half the pay, and at 27 years' service two-thirds the pay.

728. And after 27 years' service the pension remains at two-thirds of the pay, does it not?—The pension remains at two-thirds.

729. And a man must arrive, of course, at 60

Chairman—continued.

years of age before you recommend him for discharge upon those terms?—Not necessarily.

730. Unless incapacitated, and with a medical certificate?—Certainly.

731. When he is discharged upon arriving at 60 years of age, upon merely the recommendation of yourself, he then takes away with him a pension of two-thirds?—He takes away a pension for the number of years' service which he has done in the force.

732. Supposing a man to have served 30 years in the force, and to retire at 60 years of age, he only takes two-thirds of his pay?—Yes.

733. As having served 27 years, which would entitle him to it?—Yes.

734. Do you recommend that a change in the system should be made?—Yes, I think that a man with a certain number of years' service ought to be able to claim his pension.

735. You would do away with the limit of age?—I would do away with the limit of age entirely.

736. And give a fixed period of service to entitle a man to a pension?—Yes, certainly.

737. What fixed period do you think should entitle a man to a pension?—Twenty-five years.

738. And what pension would you give him at that period?—At 25 years a man would have a little under two-thirds as a pension.

739. You would still retain the same rate?—Exactly the same rate.

740. So that he would be paid at 25 years' service a little under two-thirds of his late pay?—Quite so.

741. Would that be the rate of pay he was in the receipt of, or the average rate in the service?—The pay of the rank he was serving in at the time, provided that he had served seven years in that rank.

742. Supposing that a man had not served seven years in that rank, but had served a sufficient number of years in the force to entitle him to a pension, he would take the pension upon the rate of his old rank?—Yes, he would.

743. Do you believe that men would remain in the force after they have served the time entitling them to pension?—Certainly.

744. Do you think that the hope of promotion and the rate of wage would keep the men in the force?—Certainly.

745. Do you think that the men would be satisfied with a scale of that sort?—I think so.

746. I understand that the men complain of the present scale?—I have heard no complaints of my own men; I think the men are very well satisfied with the scale of pensions, and more particularly they are satisfied, because they know what they are going to get; it is a regular scale; a man knows if he has so many years' service he has so much pension.

747. At present, owing to the way in which you administer your pension-list, the same amount of certainty is given to the men as there would be under a fixed term of years?—Yes; the only thing the men complain of is that they have not a fixed period at which they may claim their pension.

748. They may at any moment be liable at the caprice of the chief constable or of the magistrates, and the men, as I gather, feel that it is uncertain; that they might at any time be liable to the

Chairman—continued.

the fund being differently administered, and they ask that certainty should be given to them with regard to the length of service?—Yes, with regard the length of service.

749. Have you found any difficulty in getting men to join the force?—Not so much lately.

750. But formerly you did find difficulty?—Yes, when the pay was low.

751. The rate of pay has been increased in your county lately, has it not?—Yes.

752. At present you find no difficulty in recruiting men?—No, I have nearly filled up the extra number of men I required.

753. Do you find that recruits join at an earlier age than they formerly did?—I never take men over 24 years if I can possibly help it, unless it is a particularly intelligent man.

754. But I mean do they join younger; are you obliged now in recruiting your force to accept men of 18 or 19 years of age?—No, I generally take them between 19 and 23 or 24.

755. At the best time, in fact, at which they can join the force with a view to making good constables?—Certainly.

756. With regard to the point of the age of men enlisting, would you fix any time at which they should begin counting their service for a superannuation pension?—No.

757. You would let them count from the day they join?—From the day they join.

758. A man, therefore, under your scale, would at 43 or 44 be entitled to claim a little less than two-thirds of his pay, and retire from the force?—Say a man entered the force at 24, of course that would make it 49.

759. But say a man entered it at 18 or 19, the lowest period at which you would receive him, that would make him 44 on completion of 25 years' service?—Yes.

760. Do not you think that a man at 44 is still fit for active service for many years to come?—Not for many years; it depends upon what rank he holds; a man of 44 years, or up to 50, would do hard work as a constable, but after 50 a man has not so much walking power in him, for one thing, but, of course, if he is in the upper ranks he has not so much bodily work as a constable of the lower rank.

761. He would be still able to enlist, after leaving your force, in a borough force, and take with him his two-thirds pension from the county?—Yes, I believe so.

762. Do not you think that the ratepayers would think that rather a tax upon them if a man was able to continue his service while he was in the receipt of pension?—Yes; but they would forget that the man had been paying his subscription for 25 years towards the fund which pensioned him, at the rate of $2\frac{1}{2}$ per cent.

763. And you think that that would entitle a man to a direct claim for pension at 25 years?—Yes.

764. As I understand, you would never give a constable a right to claim a retiring pension on full pay?—I would not.

765. Would you allow the constables to carry their back service into other services on promotion from your force?—I would.

766. There is a complaint among the men that the present restrictions of the Act only allowing them to carry half service is an injury to their prospects?—Yes.

767. And they say that where a transfer or

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promotion takes place for the benefit of the public, they ought to be allowed to carry their full service?—I think so.

768. Do you not think that is a question which might be left to the contracting parties, the borough that wants a good man and the man himself, to arrange?—Of course if the chief constable has a good man he would be very sorry to lose him, and the borough would be very glad to get him.

769. And probably they would be willing to give him the terms he asked in order that they might get him; it having been stated that this was one of the grievances of the force, do you think it is a grievance which requires remedy?—It is a grievance which I never heard of in my own county.

770. There is one other point which I wish to ask you about; I do not know whether you can tell the Committee whether it has been felt by the men as a grievance that when they died in the service the children cannot take the benefit of the pension when there is no widow, as a widow can?—Yes, I have considered that point, and I think it would produce a very good effect if children were allowed the same pension as the widow would otherwise have had.

771. That is to say, children under a certain age?—Yes.

772. You would allow the children to take the pension just the same as the widow does now if the man died in the service?—Yes, just to help them along.

773. Is there any other point which you would like to place before the Committee?—I have the particulars here of the present state of our superannuation list, and I find that of the 38 men their average service was 23 years and 10 months before they were superannuated.

774. Were those men who were superannuated principally upon arriving at 60 years of age, or on a medical certificate?—They are all on medical certificate except two, one of whom was 64 years of age; the average age of all those pensioners is about 59 $\frac{1}{2}$.

775. Have they been long superannuated?—The first man was superannuated in the year 1855; that was just 16 years after the superannuation fund was established.

776. And he has been in the receipt of pension for those years?—Yes, he has been in the receipt of pension for those years; he is now 74 years of age.

Colonel Dyott.

777. With regard to the discharges, what you tell us is that men feel it a grievance that they cannot claim their discharge positively after a certain service; have you had many cases in which men have expressed to you their desire to have their discharge, and whose service would confer on them a pension if you recommended it to the police committee, in which cases you have declined to bring the question before the police committee with a view to their pension?—I have had no such case.

778. Then we may suppose that there is not much grievance in that respect?—I have taken pains to find out from the superintendents in going round the country the general feeling of the men upon the subject.

779. Practically there has been no grievance, because they have never put in a claim which you have

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H. Christian,
R.N.
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Captain
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Colonel Dyott—continued.

have refused?—They have never put in such a claim.

780. Practically, therefore, there is no grievance?—No.

781. Whenever you have brought a man's case before the police committee, with a view to its going before the quarter sessions for a man to have his pension, it has always been assented to?—In all cases.

Mr. Fairfax Cartwright.

782. You are not able to bring a case before the quarter sessions unless the man has a medical certificate, or is 60 years of age, are you?—No.

783. Therefore you could not have the case of a man claiming his discharge which you had refused?—I could not have one; unless I really thought a man was fit to be discharged, I would not recommend him.

Mr. Torr.

784. Has the condition of your superannuation been a subject of controversy at all between officers and men?—I have heard of none.

785. Then I may take it that it is looked upon as being in a satisfactory condition?—I think so, so far as the pensions they receive go, they are very well satisfied.

786. You know that this committee has been organised to hear the complaints of different bodies of policemen. If there had not been a complaint, do you consider that your force is in such a satisfactory condition that there would have been no ground for raising the question?—I think so.

787. You think that the men would like to have a certainty of pension?—They would after a certain number of years.

788. Has that ever been brought before you?—It has not, it is a thing which I have considered; at the present moment you never superannuate a man unless he is quite worn out.

789. Has the gratuity to children never been made a subject of complaint?—It has not.

790. Your force of 300 men are rather a happy family?—I think so, now that their pay has been increased; I may mention, if you will allow me, that our men subscribe to a sort of assurance society, to which a large body of the police in England belong; it is a very simple plan; every man who belongs to the fund merely subscribes a penny on the death of any member of the association.

Colonel Dyott.

791. Have you the entire control yourself of the superannuation fund, or is it in the hands of the treasurer?—It is in the hands of the treasurer.

Mr. Biddulph.

792. With regard to the composition of the superannuation fund, do not you think it would be a very good thing to apply a portion of the fines levied in regard to dog and gun licenses to that purpose; do not you think it would give the police a material interest in looking after people who kept dogs and used guns without licenses; at present the money goes to the Excise?—No; I do not think the police would take very much more interest in doing their duty because a certain fine went to a certain fund than they do at present.

793. Do not you think if they saw a man with

Mr. Biddulph—continued.

a dog they would consider whether he had paid the tax or not?—It is their duty to do so now.

794. Of course it is their duty to do so now, but do not you think it would tend to additional zeal on their part?—I do not think so.

795. It would be a saving on the county rates?—It would.

Mr. Couper.

796. I suppose the men really do not know from what source those pensions come?—No; of course they know that there are certain moieties of fines which go to the superannuation fund.

797. Does one of the 38 pensioners on your list know that you are going beyond the interest of the invested funds?—Not at all.

Mr. Gourley.

798. According to the statements you have made, you are spending more money now than you are receiving?—Exactly.

799. Are the men acquainted with that fact?—No, except that they may see the reports of quarter sessions in the papers.

800. In all probability the men believe that the fund is a solvent fund?—I believe so.

801. What is your opinion of the fund; is it solvent or insolvent?—It is evidently insolvent; for this last year we have spent more than our income.

802. And in a very few years your fund will be bankrupt?—In a few years it will decrease.

803. You advocate a fixed pension after a fixed period of service?—Yes, I do.

804. What length of service would you advocate?—Twenty-five years.

805. What pension would you give a man at the end of 25 years?—A little under two-thirds.

806. Suppose a man to be able to do work, an able-bodied man, have you any suggestion to make by which you would retain that man in the force without diminishing the actual number of effective men?—If a man was fit for service at the end of 25 years and he chose to remain, I would allow him to remain.

807. But suppose he chose to retire?—He would retire with the pension he was entitled to.

808. Would not that rather be placing a burthen upon the fund for the purpose of keeping an able-bodied man in idleness?—This is a man who has served his 25 years; he must have served well to have been so long in the force, and he has been 25 years subscribing to a fund towards his pension.

809. I suppose you have not given your attention to the feasibility of creating a reserve force?—I have not.

Mr. Scourfield.

810. I think you stated that the police of Gloucester have been amalgamated with the county?—Yes.

811. How long since?—About 15 years.

812. Was there any great difference between the pay of the Gloucester police and the county police at the time they were amalgamated?—I believe there was not.

813. Then the superannuation fund would date from the date of enlistment in the county force?—From the date of enlistment.

814. Would you make the claim of these men to superannuation allowance entirely irrespective of good conduct during the latter portion of their service. For instance, suppose a man had been in

Mr. Scourfield—continued.

in the police force for 25 years, and for the last year or two had misconducted himself, would you give him his full pension?—I should dismiss him.

815. But suppose it was an offence which did not warrant dismissal?—If a man got drunk, and he had done so after another offence, I should dismiss him whatever his term of service had been.

Colonel Dyott.

816. You mean that his pension would always be subject to the recommendation of the chief constable?—Exactly.

Chairman.

817. Have you any fines for misconduct in your force?—Yes, we have.

818. Do the fines for misconduct go to the superannuation fund?—They do.

819. I do not think you stated what is your proposed scale for superintendents?—I would place them all upon the same basis.

Chairman—continued.

820. Only that as I understood, you would make a man serve seven years in one rank, before he was entitled to the pension of that rank?—Yes, I would make a man serve seven years in that rank.

821. You stated in answer to an honourable Member, that you were a sort of happy family in Gloucestershire now; that there did not appear to be much grievance; but I suppose the reason of your advocating the alteration is, that you feel that the fund as it at present stands, may be satisfactory, but that its days are numbered?—Yes.

822. And you would propose some system to carry on in the future the happy condition of things which obtains in the present?—Quite so.

Mr. Gourley.

823. What amount of fines upon your own men would there be out of the 448 *l.* 17 *s.* 3 *d.*?—*£.* 20. 6 *s.* 10 *d.*

MR. THOMAS BREARY, called in; and Examined.

Chairman.

824. You are the Head Constable of Southampton, I believe?—I am.

825. Of what number of men does your force consist?—The force consists of 65 men.

826. Can you give the number of men in the different terms of service?—There are 28 men between five and 15 years' service.

827. And between 15 and 20?—Eight men.

828. What is the number between 25 and 30 years' service?—Two.

829. And above 30 years' service?—Two.

830. That leaves 25 men under five years' service?—Yes.

831. What is the average age of the enlistment of your force?—Twenty-five years.

832. The force itself was established in 1836, I believe?—The force was established in March 1836.

833. But I believe the fund was not established nearly so soon?—The fund was established in 1858.

834. What number of pensioners have you upon the fund now?—Seven.

835. Can you give the amount of the fund in the borough?—At the present time there is about 1,735 *l.* in hand.

836. That is the present amount of your fund?—Yes.

837. How is that fund made up; can you give the proportions; the men's contributions and other items?—The men contribute one thirty-sixth part of their pay.

838. That is a different scale from the usual one?—Yes.

839. What amount is received from penalties under the different Acts?—Last year the amount was very small, 12 *l.* 12 *s.* 6 *d.*

840. Do you receive anything for the services of summonses and warrants in your borough?—No.

841. That is to say, they do not carry out the Act?—They do not carry out the Act. When I was appointed, the first thing I did was to try to get them to carry out the Act of Parliament; I brought it under the notice of the magistrates, and also of the watch committee, and they said

0.94.

Chairman—continued.

no, we will go on as we have been going on, and if the fund is exhausted you must come upon the rates.

842. Will you inform the Committee what were your receipts from the fund last year?—The receipts were 254 *l.* 2 *s.*

843. And the disbursements?—*£.* 295. 2 *s.*

844. So that at the present moment you are disbursing more in pensions than you receive annually in income?—Quite so.

845. Of course, as soon as the capital of 1,700 *l.* that you have in hand is exhausted, the whole of the pensions will fall upon the rates directly?—They will.

846. An honourable Member says that depends upon whether they grant the pensions, but I suppose you would hold that the system of pensions is of advantage to the maintenance of efficiency in your force?—Yes.

847. And, therefore, if a time came when the magistrates, from having to grant the pensions out of the rates, hesitated in granting pensions, the efficiency of your force would be very much injured?—Yes; or if they cut down the scale of pension.

848. In both cases, that which you believe is essential to the maintenance of a good force would be injured?—Very much so.

849. Do you endorse the opinion which has been stated to the Committee, that a fixed scale of pensions should be established, instead of the optional scale which at present exists?—I do.

850. What scale would you recommend to the Committee from your experience?—I would recommend that a man should retire after 20 or 21 years' service, at a scale of rather over one-third of his present pay.

851. That he should begin the scale of pension at rather over one-third after 20 years' service?—Twenty or 21 years.

852. Would you give him any retiring pension upon a lower scale of service, that is to say, before having served 20 or 21 years?—No, I should say that a man should serve 20 years before he should claim his pension.

853. You would leave all previous service to be

**Captain
H. Christian,
R.N.
4 May 1875.**

**Mr.
T. Breary.**

Mr.

T. Brophy.

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Chairman—continued.

be dealt with by a system of gratuities?—Yes, up to that time.

854. What scale would you adopt with regard to years beyond 20 or 21?—I should say that after 26 or 27 years' service a man should receive two-thirds of his pay as pension.

855. That would not be by a scale?—Yes, by a graduated scale between those years, holding out inducement for a man to serve as long as he possibly could.

856. And what would be the time of service which you would fix upon when he might claim his retiring pension?—Twenty-one years.

857. But you would make this distinction, that there should be a different scale for a longer period of service?—I should say that after 32 years' service a man should retire on the scale of pay that he was then receiving.

858. You would allow a man to retire at 32 years' service, on full pay?—Yes.

859. Graduating the scale from 21 years' service up to 32?—Yes.

860. Would you fix any time of enlistment at which he should commence his rate of pension; would you allow a man who enlisted at 19 to begin at once to count his rate of service?—I should not take a man of 19 if I knew it.

861. But at what time should a man commence to count his service?—Immediately upon his entering the service.

862. You consider that the time of his enlistment is the time of life at which he should begin to calculate his term of service?—Yes.

863. That you would fix at 21 years?—Yes.

864. And that he should not count his rate of service until he arrived at 21, and that he should then count his service?—I say, that if I admit him into the service before he is 21, he should commence to count from that time.

865. That is exactly what I am putting to you; you state that you would not enlist a man under 20 or 21 years of age?—I would not.

866. Then practically, by your own refusal to enlist him, you would say that he should not commence this scale until he was 20 or 21 years; you must lay down some fixed period, otherwise each chief constable might admit men at different ages, and if a chief constable differed from you and allowed men to be admitted at 18, then they would, after 21 years' service, be entitled to pension at the age of 39?—Then I would fix the limit at 20.

867. Then a man should begin at 20 to count upon a scale for pension which should entitle him to receive a pension when he reached a term of 21 years?—Yes.

868. Therefore, when he was 41 years of age he would be entitled to retire upon a pension of something over one-third of his pay?—Yes.

869. Would that be the scale of pay that he was receiving at the time, or would you make, as the previous witness did, a distinction that he should have served seven years in that grade?—If he was a superior officer, a serjeant or inspector, or superintendent, I should say that he should have served from seven to ten years in the higher rank before he should receive a pension upon the scale of pay of that rank.

870. Have you found any difficulty in recruiting your men in your district?—I have not found any difficulty since we raised the rate of pay.

871. Since you have increased the rate of pay,

Chairman—continued.

you have had very little difficulty in getting good men into the force?—Very little.

872. Do you find the men think anything, when they enlist, of the superannuation fund?—I believe the first five years of a man being in the force, he thinks and talks more about being superannuated than after 20 or 25 years' service.

873. Then you think that the question of superannuation does enter into the question of recruiting the men?—I am quite sure of it. I know that from myself coming into contact with the other constables, I thought and talked more about pension and a superannuation fund the first five years of my service than I have ever done since.

874. You believe that, as an inducement to get good men to enlist in your force, and to retain them when there, the element of future pension enters considerably?—It does, to a great extent.

875. Does it make any difference in this way, that the officers of the force themselves become your recruiting serjeants if they know they have a pension list upon which the men can fall back; that induces them to advocate men entering the force?—Yes, they would endeavour to get good men into the service.

876. The pension aids you in getting good men into the service, because you enlist the sympathies of your own officers as recruiting serjeants?—Quite so.

877. In your borough you say you do not receive anything from the fees for the service of summonses or the execution of warrants?—No, we do not.

878. Would you propose that it should be made obligatory that the superannuation fund should be supported by those fees?—I do.

879. Would you strengthen the fund in any other way?—I would strengthen the fund by the money that is received for granting endorsements for pedlars' certificates.

880. You would endorse what has been said by previous witnesses with regard to the returning of the penalties to the fund?—Yes, I would.

881. You would make it obligatory upon the magistrates to give the penalties in cases where the police are informers, to the fund, instead of leaving it optional as at present?—I would make it compulsory.

882. Do you think that in a force of 65 men you could by that means make the fund self-supporting for the number of pensioners that would be likely to fall upon it?—I have some doubt about it; I think it would be hardly sufficient.

883. Even with these additions, you could not make the fund self-supporting?—No.

884. How would you propose then to deal with the fund in that view?—If the fund became exhausted I should say you must go to the borough rate.

885. Then, practically, we should be no better off than we are at the present moment. It is only putting off the evil day for a few years. I want to ascertain if you can suggest anything to the Committee which would render this fund really self-supporting, so that the ultimate appeal to the rates would not arise?—I do not know whether the police would be entitled to any other funds after receiving the fees for the execution of warrants and the service of processes, and the endorsement of licenses, and so on.

886. I gather, from your having stated that the authorities

Chairman—continued.

authorities of the borough refused to allow the fees to be paid to the superannuation fund, and were prepared to pay the pensions out of the rates, that they would not object to seeing the pensions chargeable directly upon the rates?—The persons who served upon the watch committee then are now out of office, and I do not know what the feelings of the present members may be.

887. I wish to ask you whether you think that by placing the pensions directly upon the rates, and placing all those receipts to the rates, and then laying down a scale which should protect the men against a refusal to grant pensions, that would be a satisfactory solution of the difficulty?—It appears to me that it would be the simplest and the best manner of doing it.

888. Do you think the men themselves would be prejudiced in any way by that?—No, I do not know that they would.

889. Do you think that it would not create a feeling in the borough against the police force?—It might for a time; but it would, like everything else, soon wear off; it would be a nine days' wonder.

890. What wages do you give in your borough to the different grades?—We give to inspectors 36 s. a week and 34 s. a week; to serjeants 30 s. a week, and 1 l. 8 s. 6 d. We have five classes of constables. The first class pay is 1 l. 5 s. 6 d.; second class, 1 l. 3 s. 6 d.; third class, 1 l. 2 s.; fourth class, 1 l. 1 s.; and the fifth class, 1 l. a week.

891. Can you tell us about what the average rate of wage is in the neighbourhood?—It varies.

892. You cannot say what proportion your 1 l. bears to the agricultural or other wage of the neighbourhood?—I should say it is about 4 s. or 5 s. above the wages in the country; the labourers in the neighbourhood and the labourers in the town are receiving from 16 s. to 18 s. a week.

893. In what way is your 1,700 l. invested?—It is invested in mortgage upon freehold property.

894. In whose hands is that?—It is in the hands of the borough treasurer and the watch committee.

895. It is lent, in fact, to the borough?—Yes.

896. At what rate of interest?—£. 5 per cent.

897. Is there any feeling in your force about counting the back service on promotion?—I should be affected by that more than any of the members serving in the force. I have served in four forces; the Bedfordshire Constabulary, the City of London Police, and the Buckinghamshire Constabulary, before coming to Southampton.

898. And under the law, as it stands, you have the right to carry one half of your service in counting for pension?—Yes; one half of my service.

899. Is there a feeling amongst the force generally that they should be allowed to carry their whole service?—I believe there is a feeling generally, that every person who serves and contributes to the superannuation fund should count his whole time.

900. That is to say, when he is promoted for the public service?—Yes.

901. But I suppose it must be with the consent of the two forces; that is the law as at present?—Yes; that is the law at present. An officer going from one force to another takes a certificate of service with him

0.94.

Chairman—continued.

902. Is there any other point which you would wish to submit to the Committee?—There appears to be a general feeling throughout the country that the time of service should count instead of age.

903. That is to say, in regard to your own force, you believe there is a feeling among the men that the present method of counting service for pensions should be altered into a fixed rate of service?—Yes, instead of age and medical certificate.

904. Would you combine at all the two systems of fixing a certain period which should entitle to a pension, say a reduced period of 50 years, and the scale which you have suggested of a claim after a certain number of years' service?—No; I should say go entirely upon the length of service.

905. Would not that act prejudicially in certain cases to men already in the force?—I think the men would endeavour to keep on as long as they could.

906. Take a man who had enlisted in borough forces; there is no limit to that, I believe?—Thirty-five years of age, I believe; that is the limit fixed in Southampton.

907. But there is no actual law which prohibits you from enlisting them after 35?—I should not take a man after 35 years of age.

908. But there is nothing to prevent it?—No.

909. In your existing force, have you men who enlisted at 35?—None of that age, or approaching that age.

910. Because if men were, as I find they are, able to enlist, say at 40 years of age in the borough force, they would naturally prefer the 60 years standard of claiming pensions, to the 25 years' service?—I think there are very few boroughs where they would take them; I do not know of one.

Mr. Scourfield.

911. The last witness stated that there was a fund of 1 d. each paid by the policemen as an insurance?—That is a mutual fund established throughout the borough and county forces in England.

912. Where are the funds deposited?—The money is paid immediately upon the death of a member; it is a burial fund.

913. Who manages that fund?—It is managed by a secretary and committees in different parts of the country.

914. Have you any difficulty in procuring men for your force?—Not at the present time.

915. Have you ever had any difficulty in getting men?—Two or three years ago we had.

916. What was the reason of that?—The reason of that was the high rate of wages paid through the country.

917. For other employments?—Yes.

918. What class of men have you in your force; are they labourers, or mechanics, or what?—There are few mechanics; they are labourers principally.

919. Are they all educated labourers; can they read and write?—They can read and write, and they are generally intelligent.

920. You stated that the general rate of wages for labourers in your district was about 16 s. to 18 s.?—Yes.

921. What wages do carpenters get?—Carpenters get from 25 s. to 28 s. a week.

922. What do the dock labourers get?—They work

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Mr. T. Broery.
4 May 1875.

Mr.

T. Breary. work by the hour; they would average about 1 l. a week.

4 May 1875. 923. Therefore the labourers are all getting quite as much as you are paying your force?—Yes.

924. After what length of service do you think a man fit for active duty, suppose he enlists at 21?—He is not much good after 25 years' service.

925. And at the age of 46 you would superannuate him?—Yes, I would.

926. Would you make the superannuation system optional as at present, or would you make it compulsory?—I would make the superannuation system compulsory.

927. What effect do you think that would have upon the force?—It would have a very good effect.

928. In that it would be a means of keeping the men in the force?—It would.

929. You have no tie at present to bind the men to the force; they can leave at any moment by giving a month's notice, can they not?—They can leave by giving a month's notice.

Mr. Biddulph.

930. With regard to the class of men that you have in your borough, are they a better paid class of men than in the county?—The wages of the two forces are very nearly the same.

931. But I believe it is rather the case, is it not, that boroughs are very often apt to take men away from the counties; it serves their purpose to pay rather higher wages?—It has not happened in my case.

Mr. Torr.

932. You said that you had recently made an advance in the pay of your men?—Yes, that was 12 or 18 months ago.

933. To what extent was that advance?—The constables received 2 s. a week extra, and sergeants 3 s.

934. And I see that the average pay of your five classes of constables is now 22 s.; before you made that advance was your scale on the average 20 s.?—We had then three classes, 23 s., 22 s., and 19 s.

935. How long had those previous rates been in force?—About seven years.

936. That was comparatively a low standard of wages?—It was a low standard of wages.

937. Those wages, of course, are in addition to the men's clothes?—Yes.

938. What clothes do you find the men in?—They have an overcoat, helmet, body-coat, two pairs of trousers each year, and 6 d. week in lieu of boots; the men find their own boots.

939. Do you give the men an overcoat every year?—Every two years we give them an overcoat and cape.

940. That fully clothes a man; he has not to find any clothes upon his own account?—It keeps him well clothed.

Colonel Dyott.

941. I think you said you had served in four forces?—Yes.

942. When you have been transferred from the one to the other, has half the money that you have contributed to the superannuation fund been transferred with you?—No.

943. Then you leave it behind you?—Yes.

Mr. Scourfield—continued.

Colonel Dyott—continued.

944. Then supposing you were discharged from your present force now, and had received a pension from the superannuation fund of that force, you would be drawing from that force and had contributed but very little to it?—Yes, but the authorities were aware of that when they appointed me.

945. Is it not the rule that when a man leaves a force and has contributed to the superannuation fund of that force, a transfer takes place from that fund to which he has contributed?—No.

946. I think you stated that in the early part of your service you thought much more of the superannuation fund and pension than you did in the latter part?—Yes, I believe that is the case with all young constables.

947. Therefore, it comes to this, that the more you have paid into the fund the less you think about it?—Yes, the novelty wears off.

Mr. Torr.

948. Probably in your view, you would say that the certainty of the superannuation fund is a great inducement to men joining the force?—Yes, I know it is; I can say so from my own knowledge, and from the general feeling of the constables and officers I have met with.

Colonel Dyott.

949. How many years' service have you altogether?—I am now in my 24th year.

950. Is that divided pretty equally among the four forces that you have served in?—I served two years in Bedfordshire, two years in London, seven in Buckinghamshire, and seven years in Southampton.

Mr. Torr.

951. At what age will you be entitled to your retiring pension?—I have only about 12 years towards pension.

Chairman.

952. That is according to the present scale of age?—According as the law now stands, I should lose seven or eight years' service.

Colonel Dyott.

953. Have you had many instances of men discharged from this Southampton force, and drawing a pension from the superannuation fund, who had not contributed many years to that fund?—No, they have all contributed from the time that the fund was formed in 1858.

954. But supposing that a man had been only a comparatively short period in the Southampton force, having served, as you have yourself, many years previously in other forces?—There has not been a single case of that kind.

Chairman.

955. As I understand, the cases occur in this way, that officers are promoted to the head constables of boroughs from county forces?—Yes.

Colonel Dyott.

956. But supposing them to be transferred as constables from one force to another?—That would never happen.

957. Surely it does constantly happen?—Yes, but a man resigns or leaves.

958. A man leaves one force and goes to another; what happens then?—When he resigns he

Colonel *Dyott*—continued.

he loses the money that he has contributed to the superannuation fund; he leaves that behind him.

Mr. *Torr*.

959. When was your force established?—In March 1836.

960. And when was your fund established?—In June 1858.

961. Consequently you have been 18 years in operation, and that will account for the weakness of your fund?—Yes.

962. Do any of your pensioners date from the

Mr. *Torr*—continued.

years when the fund did not exist?—Yes, all the seven.

963. They date back to the time when there was no contribution of any sort to this fund?—Yes, that is so.

964. They are practically taking from the fund what they never during that period contributed to it?—Yes, they are taking what they never contributed; but that was not the fault of the men, it was the fault of the authorities. I might add that I never heard any of the men complain of the stoppages from their pay towards the superannuation fund.

Mr.
T. Breary.
4 May 1875.

Mr. JOHN ALLISON, called in; and Examined.

Chairman.

965. You are Head Constable of Swansea, I believe?—I am.

966. Your force is similar to the force of the last witness in point of number?—Yes, it consists of 64 men.

967. Is that the number of your force at the present moment?—That is the authorised strength.

968. Are you up to the authorised strength?—Not at present.

969. What is the number of your force now?—Sixty; I am about four men short.

970. Of what periods of service are your men?—Over 10 years' service there are one head constable, three inspectors, seven serjeants, and nine police constables; over 15 years, one head constable, three inspectors, two serjeants, and two police constables; 20 years and upwards, one head constable, and one inspector.

971. Are there no policemen of over 20 years' service in your force?—No.

972. At what time was your force established?—Eighteen hundred and forty-three is the earliest date that I can get of it, though I believe there was a sort of watchman or policeman existing before that time.

973. Your fund was not established until 1848?—Not until 1848.

974. The number of pensioners upon your fund is the same as that stated by the last witness?—Yes, seven.

975. Were they men in the force previously to 1848?—Yes, most of them; four of those present pensioners were men who served previously to 1848, or would be part of the old force of watchmen of the town.

976. The force went back, even previously to 1843, did it not?—Yes.

977. They are drawing pensions from your fund now, having been many years in the force before they contributed to the fund?—That is so.

978. What is the amount of your fund at present?—£. 1,863. 15 s. is the present fund.

979. That is made up of the contributions of the men?—Yes.

980. At what rate?—At two and a-half per cent.

981. What amount do you derive towards the support of that fund from fines and penalties?—We receive part of all fines imposed in cases where the policemen are the informers, and also fees for the execution of warrants and the service of summonses.

982. In your borough they abide by the Act 0.94.

Chairman—continued.

and allow those fees to be passed to the superannuation fund, do not they?—Yes, they do.

983. How much are your present receipts?—Our present receipts are about 400 l. a year.

984. They are in excess of the disbursements at present, are they not?—They are a little.

985. To what amount?—The pensions last year amounted to 207 l., and gratuities to widows to 176 l., which would make about 383 l. paid out of the superannuation fund, and the income was somewhere near 400 l.

986. So that there is at present a balance in favour of the fund?—A small balance.

987. What number of men do you anticipate coming upon the fund of your existing force within the next few years; by that I mean what is the age of your men upon the average?—At present there could not be above three for the next three years whose health would not permit them to continue in the service.

988. There would not be more than three or four who, on arriving at 60 years of age, would be entitled to a pension?—That is so.

989. Have you any suggestion to make with regard to strengthening your fund so as to make it self-supporting?—Yes. I agree with the gentlemen who have given evidence before you to-day with reference to the licenses to pedlars, and that in all cases where the police are informers a moiety at least, if not the whole of the fine, should go to the superannuation fund.

990. That is to say, you would make it absolute upon the magistrates to pass a moiety of the fines at least to the superannuation fund, instead of leaving it optional as it is at present?—Yes.

991. What has been the practice in your borough up to the present time?—I can only speak for the 10 years that I have been there. Previously to that I think there was some little looseness in the matter, but since then I have always got our share of the penalties.

992. Since then the magistrates have ordered the fines in cases where the police have been the informers to go to your fund?—Yes.

993. But under those circumstances you would not strengthen your fund very much?—There are some Acts of Parliament under which the police are informers, and in which the fund does not get the penalties.

994. Therefore in all cases where the police are informers you would say half the penalty should go to the fund?—Yes.

995. You believe that by strengthening the fund in your district to that extent you could maintain

Mr.
J. Allison.

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Chairman—continued.

maintain it in its present condition?—I would include also fees for stamping weights and measures; I am inspector for weights and measures.

996. Would that come to a very considerable sum?—Yes; there are a great number of weights used in the town of Swansea, there being a great deal of copper and tin, and so on, manufactured there, and I think taking it throughout the country, it would make a material addition to the superannuation funds.

997. But we must deal with each fund separately; you think with regard to your own fund it would be a material assistance towards rendering that fund strong enough to bear the future strain which may come upon it shortly?—It would make a difference of at least 80 l. a year.

998. In what funds is your capital invested?—It has been in the bank in the name of the treasurer.

999. And lying in the bank at what rate of interest?—Two and a-quarter per cent.; but the urban sanitary authority is now about to borrow the money at the rate of 4½ per cent.

1000. It is going to be laid out on works in the borough at 4½ per cent.?—Yes.

1001. That will strengthen your surplus considerably, will it not?—Yes.

1002. Do you agree with the other witnesses, that there is a feeling in the force that a change ought to be made with regard to the mode of pensioning the men?—There is a very strong feeling in my force upon that point.

1003. What are the grounds which the men allege for that?—That after a certain number of years a man should be in a situation to claim his superannuation.

1004. But do the men allege that on the ground of the uncertainty of their present pensions?—Yes.

1005. Is the scale of pensions at present given in your borough one which tolerably satisfies the men?—It has been so for the last three pensions; that is to say, for the time I have been there; the Watch Committee have gone according to the Act, and given the full amount.

1006. Of course, where they do that there is no dissatisfaction?—The dissatisfaction is this; that a man may serve 25 or 30 years, and he may give offence to some one in the town council, or to some magistrate in the county, and he may be discharged from the service for a very trifling offence indeed, and have no claim whatever upon the superannuation fund.

1007. That although a man is recommended by his chief constable for a pension, he feels that he may not get his claim properly entertained?—Quite so.

1008. Would you recommend that an alteration should be made with regard to giving, in future, a fixed rate of pension, according to a fixed term of service?—Certainly.

1009. What term of service would you suggest to the Committee?—In my opinion, a man should not be able absolutely to claim his pension until 25 years' service.

1010. And after 25 years' service at what rate would you allow him to claim his pension?—I should allow him two-thirds of the pay at the rate that he had received in that grade.

1011. It has been suggested that a man should serve a certain number of years in a certain grade before claiming the pension of that grade?—Certainly.

Chairman—continued.

1012. Do you think that the term should be seven years, or any other period?—I should say 10 years.

1013. That is to say, a man should serve 10 years in one rank before he could be entitled to claim a right to pension on the scale of that rank?—Quite so.

1014. In the intervening years below 25 years' service, would you continue the present system of granting a pension upon the present scale upon a medical certificate?—I would grant no pension below 20 years' service, unless a man had been lamed in the execution of his duty.

1015. Then it would amount almost to the system which exists in the Metropolitan Police Force at the present moment, of a gratuity for injury?—Yes; if a man was permanently injured in the execution of his duty, then I should grant him a pension irrespective of his term of service; but if he was to become incapacitated through ill-health or rheumatics, then I say give him a gratuity for below 20 years' service.

1016. You would grant a man a pension if he was incapacitated by injury?—Yes.

1017. Would you require that he should, according to these conditions, appear after an interval of say five years, in order that the pension as before granted should be reconsidered?—No; I think after a man has been once pensioned I should be done with him.

1018. It has been stated that it would be only fair to the ratepayers, who grant pensions in that way, that a man should appear afterwards, and, if found fit for active service, should re-enter the force, counting the whole of his years of service; that a pension for his service should be granted, but only for a limited period?—I do not agree with that. If a man is pensioned, and has recovered, although to outward appearance he may be able to do a little duty, yet, considering the nature of a constable's duty, two-thirds of which is performed in the night time, I think he is only taking up, for a short time at all events, the place of a man who would be able much more efficiently to perform the duty.

1019. It would require, would it not, very careful medical certificates if you pensioned a man for incapacity on a short term of service?—Most assuredly.

1020. Would you make any difference in the rate of pension between 20 and 25 years?—Most assuredly.

1021. You would make a difference in the scale?—Yes.

1022. What would you consider a proper scale to begin a pension for 20 years' service upon?—About one-half.

1023. And rising to two-thirds at 25 years?—Yes, but that no man should be able to claim a pension absolutely for 20 years' service; that should be only in case he had broken down from ill-health or infirmities.

1024. In fact, for all cases previous to 25 years' service, pensions should only be granted upon medical certificate for incapacity?—Quite so.

1025. And that after 25 years' service a man should be entitled to claim his right of pension amounting to two-thirds of his pay?—Yes.

1026. Would you place any limitation upon the time when he should begin to count his service after enlisting?—I should say from the time he enters the force.

1027. Whatever

Chairman—continued.

1027. Whatever age he is when he enters?—Yes.

1028. But do you not think it would raise a considerable feeling upon the part of ratepayers if they had to contribute a pension of two-thirds of a man's rate of pay when he was 43 or 44 years old?—I think not after 25 years' service.

1029. Your feeling is, that a man who has served 25 years is entitled to a pension for his service independently of whether he is still a serviceable officer or not?—Yes; and my experience goes to show that there is very little work left in a man after 25 years' service.

1030. You think that the duties of a police constable practically render him inefficient after 25 years' service?—Yes, because he spends two-thirds of the week in night duty.

1031. Are there not many places about a police force, such as those of inspectors or superintendents, where men can do very good work after that period of service?—There may be as regards the superior officers; they may continue in the force, but I think it acts to the prejudice of the good of the force, in that it defers promotion. A young man who has got a position in the force is always looking to promotion, and if you retain old men in the force, and the duty is actually performed by younger men, it gives them a sort of galling, and they do not wish to remain in the force, feeling that they must be old men before they can rise in the force. Although I think a man may be able to do a few years duty after 25 years, he is barring the way of younger men.

1032. Do you believe that after 25 years, if men were entitled to claim the two-thirds of their pay as pension, they would leave the force, or remain in it?—I think in most cases they would leave; there may be exceptions, but I do not think there would be many.

1033. Do you believe that the chance of getting a higher rate of pension in consequence of promotion, or the desire of remaining in the force up to your 10 years' limit, would act as an inducement to them to remain?—I would not go beyond two-thirds.

1034. But the amount of pension would depend upon the rate of the pay of the men; the men might feel that by stopping in the force a complete 10 years they would get a higher rate of pension, or a chance of promotion to a higher grade, by serving another 10 years, in which grade they would get a still higher rate of pension?—I think in that case it would be an inducement, because supposing a man has served 25 years as a police officer, but not 10 years as an officer of superior grade, it would be an inducement to him to remain in the force a few years longer.

1035. Have you thought at all under this new scale how your force would be affected in the way of pensioners; whether the number of pensioners would not be very materially increased?—No, the number of pensioners would not be very materially increased, I think, in our force.

1036. I suppose you could not give the Committee any idea with reference to the number ultimately of pensioners who may fall upon your fund out of the 64 men that you have?—No, I could not. There is a very strong feeling, if I may be allowed to say so, among the superior officers, more especially in the borough forces,

0.94.

Chairman—continued.

about counting service from one service to another.

1037. You agree that there is a strong feeling that they should carry their whole service when promoted?—Yes, when promoted, and when their service is continuous from one force to another.

1038. At present they only carry one half of their service?—That is so.

1039. Of course, if they carried the whole it would still be open to contract between the parties as to filling the vacant place?—No doubt the parties appointing would take into consideration whether the person who was applying was likely to continue any length of time in the service or not.

1040. There is no doubt that they take that into their consideration now whether a man carries the whole or half the service?—No doubt it is so; I have served in four services myself.

1041. What is the rate of wage in your force?—Constables commence at 24s. a week and go up to 30s., subject to 2½ per cent. deduction.

1042. Is that rate of wage in consequence of a higher rate of wage in your immediate neighbourhood?—It is; previously to the last increase which was given to the police force I was about 14 or 15 men short; I could not get my force filled up.

1043. Did you find at that time that the men who enlisted were a younger class of men?—No, at that time I was almost compelled to take men up to 28 or 29 years of age; but in the usual way I do not go above 24 years of age.

1044. In point of fact, you prefer the younger men?—Yes, most decidedly; I find that when a man gets to the shady side of 40 he is very slow in getting about his duties. The fact of the matter is, that he must be sent out to a quiet beat, or otherwise kept as a sort of reserve constable about the place; but to send him to a place where an active intelligent man is required, after he gets about 40 years of age, he is of little service.

1045. Do your men change rapidly in your borough?—We did so until lately, but since the increase of wage they have stopped with me. I do not find so much difficulty in getting men as in retaining the really good men in the service.

1046. Do you believe that the question of superannuation enters into the mind of a man at the time that he enlists?—Not so much at the time that he enlists, but after a little service. The longer he is in the service, my experience is the more keen is the interest he takes in the police superannuation.

1047. You differ from the last witness on that point?—Most assuredly.

1048. Does that keenness and that anxiety about the pension operate in retaining men in the force?—To a great extent, and they are the very men that we wish to retain in the service.

1049. Do you believe that if you had a system of pensions under which men felt that they had a right to pension after certain service, you would improve your force?—Yes; we should get a far superior class of men to what we have at present, and retain them better.

1050. You think that would be brought about more by the certainty of superannuation than by an increased rate of wage?—Yes, upon the average it takes from two to three years to make a constable understand what is an ordinary constable's

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Mr.
J. Allston.
4 May 1876.

Mr.

Chairman—continued.

J. Allison.

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constable's duty; after that time, if he is a good man and looking a little ahead for promotion, and also providing for the future, if he is assured that he will have something after a certain length of service, he will undoubtedly remain in the force. As it is at present, that is the very man who is looking about him for something else to do; he looks out, and abroad, perhaps, for a situation as clerk, or to commence some little business of some kind or other; those are the very best men that leave the force.

1051. Do you think that the present system of pensions does not act as a sufficient inducement to remain?—Not at all, even if a man has had 10 or 12 years' service. I have spoken to many such men on leaving the force. I have said, "Here is your superannuation that you might look forward to," and they have said, "Yes, I may serve 10, 20, or 30 years, and the watch committee may discharge me with half-a-crown a week, or they may discharge me with two-thirds of my pay, but I want to have something which I can look to."

1052. It is the uncertainty of the prospect which makes them look after other situations?—Yes, I think so.

1053. I understand you that, as far as your experience is concerned, the pensions have been granted in accordance with your recommendation?—They have always; I am speaking of my own experience there.

1054. But the men feel that there is an element of uncertainty; that although pensions are granted at the present moment, there is no guarantee that when they come forward for pensions they will receive the same conditions?—Quite so.

1055. Do you lose many men from your force going to other forces?—No, not as a general rule.

1056. I suppose the fact is that the rate of wage that you pay is rather above the rate of wage in most of the forces in your neighbourhood?—In the county it is about the same rate, and also the borough of Cardiff pays about the same rate.

1057. In your immediate county and borough the men are on the same scale of pay?—Yes.

Mr. Scourfield.

1058. Is your rate of pay higher than that of the adjoining county of Carmarthenshire?—Considerably.

1059. Do the men come from Carmarthenshire to you?—I get young men from Carmarthenshire.

1060. You said you were rather short in your numbers?—Four short.

1061. Is that much under the average?—No.

1062. Have the late strikes affected your recruiting either against or in favour of you?—No, they have no affected me.

1063. Is the pay about the same in Cardiff?—Yes, it is about the same; I think there is very little difference, if any.

1064. Is the work severer in Swansea than in the county?—Not than in the county of Glamorganshire; that is a thickly populated county, and the work is about the same as in some of the boroughs.

1065. How is the health of your men in Swansea?—Very good.

1066. Is it better than in Cardiff?—I could not say. I may say that the town council pro-

Mr. Scourfield—continued.

vides a surgeon in Swansea to attend upon the police force during sickness.

Mr. Torr.

1067. You would have nothing else to count, in the anticipation of pension, except term of service; you would not take age at all into account, as I understand you?—I have rather modified my own opinion upon that matter. I may say I was certainly decidedly of opinion that 50 years should be the limit of age, but I find many differ so much from me that I have rather modified my own opinion to 25 years' service.

1068. Different head constables and officers have expressed an opinion differing from that of yours as to the proper age for engaging men; would you have any objection to engaging men at 18 or 19 years of age?—As a general rule I would.

1069. What would be your limit?—Twenty years, but there are exceptions. Sometimes you will find a man at 18 as fully developed, if I may say so, as many others are at 21.

1070. I think you have expressed as strong an opinion as to the efficiency of men when they get to be 40 or 45 years of age as the preceding witness, and, as such, I should have thought you would have been in favour of the enlistment of younger men?—I do not think it right to put very young men to such severe duties; it is more likely to have a permanent effect upon their health, and make them old before they arrive at that age.

Colonel Dyott.

1671. With regard to this superannuation fund, the borough of Swansea appears to be in a tolerably flourishing condition; you had rather more fund at the end of 1874 than you had at the end of 1873; how long after the establishment of your force did the creation of this fund take place?—I cannot exactly state the date of the establishment of the force, but the fund was established in 1848.

1072. Then probably the fund was established at the commencement of the force?—1843 is the earliest date that I can get of any record of payments to the police force, or any entries in the books.

1073. Five years after the establishment of the force there was the establishment of the fund; the pensioners that you now have upon the fund are receiving their pensions in proportion to their length of service, and you have seven of them receiving pensions; are any of those seven drawing pensions in respect of service before the creation of the fund?—Yes, four of them.

1074. Is there little wonder that the fund cannot sustain a drain of that kind?—That was the case in most boroughs, if I may be allowed to remark it, where the old watchman were taken into the police force, and shortly after the establishment of the fund they were put upon the superannuation list as being unfit to do regular duty.

1075. Then, after the fullest consideration, you are of opinion that after the age of 45, with 25 years' service, a man is tolerably well used up as a policeman?—That is my opinion.

1076. Are you of opinion that the service of a policeman is more severe than that of soldiering?—I have not the least doubt of it.

1077. You have no doubt that it is more severe?

Colonel *Dyott*—continued.

severe?—Most assuredly; the soldiers say so themselves.

Chairman.

1078. You have just stated, in answer to a question, that men who have enlisted very young were liable, in consequence of the service, to become early sufferers from illness?—From premature old age.

1079. That strengthens very much the point which I tried to press upon you before, that there should be a fixed time of enlistment, from which men should begin to count their pension?—Quite so.

1080. Do you give gratuities in your force to men of short service?—Yes.

1081. If a man is killed in the force, his widow would, I suppose, be entitled to a gratuity from the force?—Yes, she would.

1082. Upon what terms are those gratuities granted?—We have always granted a full year's pay.

1083. That is to say, you have granted a year's pay to the widow?—Yes, with the exception of one case; in one case there was only a sum of 14*l.* or 15*l.* granted.

1084. Were all those cases in which the men were killed in the service?—No, not killed; but cases in which they died in the service from ill health.

1085. Is there any feeling amongst your force that that gratuity should be extended to children, in case there is no widow?—Yes.

1086. The feeling is that children of a certain age should be entitled to take as widows can, in case of the death of their parent?—Yes.

1087. That is felt by the men?—Yes, that is felt by the men; in fact, several of my own men have spoken to me, and also the men in the country.

1088. Is there anything you wish to add to your evidence?—I may state that the opinions which I have given are my own opinions; but from inquiry among the men there is a strong feeling that the pension should commence from the age of 21, and that they should be able to claim pensions from that time.

1089. The scale which you have submitted to the Committee is the scale which you suggest from your own experience; but you are aware that the men themselves suggest a different scale?—Yes, I am perfectly aware of that.

1090. And that that scale involves a shorter period of service?—Yes.

1091. Are there any other conditions that they wish to attach?—No.

1092. But the men merely suggest that they should be entitled to pensions after 21 years' service, instead of, as you suggest, after 25 years?—Yes.

Mr. Torr.

1093. At what scale should that be?—I think the general feeling of the men is that they should claim half the pay after 21 years' service, inde-

Mr. Torr—continued.

pendently of being either able to perform duty, or with reference to age, or anything else.

Mr. Gourley.

1094. In the event of pensions being compulsory, would you be able to get men at a lower rate of wage than at present?—I do not know that you would be able to get them to enter the force at a lower rate of wage, but certainly my opinion is that we should get men to remain in the force after they have been once enlisted into the force.

1095. Do you think that that would be any advantage to the force?—Most assuredly; at present I find the very best men leave the force.

1096. What kind of men do you get in your force?—I get a superior class of labourer, and some mechanics.

1097. You stated that you would appropriate moneys received from fines with regard to weights and measures to form a portion of the superannuation fund; have you any inspectors of weights and measures?—I am inspector of weights and measures.

1098. Supposing the police should be appointed inspectors of weights and measures, would not that be objected to by the shopkeepers?—I have not experienced any such difficulty.

1099. Do you superintend the examination of weights and measures yourself?—Yes, I do.

1100. But under that new system, I understand you to say that you would allow the men to be the inspectors of weights and measures?—No; I would allow the superior officers if the duty was too large for the head of the department; as, for instance, in Swansea it is too large for myself to devote as much time to the inspection as is required, and therefore one of the police inspectors is also appointed; but I should not allow it to go to the rank and file, that they should be inspectors, or that they should go into any place of business to examine anything of the kind.

1101. Do you find that having this extra duty to discharge interferes with your ordinary police duty?—There is no doubt that it gives me a little more work, and takes up a little more time, but it is so contrived that I devote a little more time when it is at my disposal for this purpose.

1102. What difference does that make to the fund, do you suppose?—I should suppose that it would make 80*l.* a year difference to the superannuation fund.

Chairman.

1103. Do you know how the examination of weights and measures is carried out in your county?—It is carried out by the superintendents of each division.

1104. That is generally the case in counties, is it not?—Yes, in most of the counties that I am acquainted with; it is the case in Durham and Cumberland and East Yorkshire, and many other counties that I can speak to.

Major ASHTON WARNER, called in; and Examined.

Chairman.

1105. You are Chief Constable of Bedfordshire, I believe?—I am.

1106. Your force consists of how many men?—One hundred men.

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Chairman—continued.

1107. Can you give the Committee any statement with reference to the length of service of those men?—I can. I have one from 30 to 35 years' service.

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Mr.

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Chairman—continued.

1108. Is he a serjeant, or of what rank?—He is a superintendent; I have two from 25 to 30 years; four from 20 to 25; 16 from 15 to 20, and 42 from five to 15 years.

1109. In those higher ranges of service are there any constables?—No.

1110. Are the four between 20 and 25 years' service all superintendents?—I think there are two serjeants; I cannot say off-hand.

1111. Your average enlisting age is about 23½ years, I understand?—Rather younger. I have been obliged to take men younger lately.

1112. Is that in consequence of the difficulty of recruiting your men?—It is.

1113. Do you find that difficulty has arisen recently, or has it been extended over some time?—For the last four years; since I have been in the force, for four and a-half years, I have just been able to keep the force complete, but I have had no selection.

1114. Does that arise from the wage paid to the police not having been raised lately?—No, the wage has been raised within the last two years.

1115. What sort of proportion does the wage of your force bear to the average wage of the district?—It is about 5 s. a week better.

1116. Notwithstanding that you have a difficulty in getting recruits?—I have.

1117. And you find that the men you do recruit are more boys than men; is that so?—They are about 20 years of age. I would not take men under 20.

1118. That, I suppose, is the proper age for them to enlist?—I consider so.

1119. Your force was established in 1840, was it not?—It was established in 1840.

1120. When did you establish your fund?—Directly.

1121. So that they run together?—Yes.

1122. How many pensioners have you?—Fourteen.

1123. Are the pensioners spread over the whole term?—Yes, over the whole term.

1124. What proportion do you consider that 14 bears to the amount of pensions you must look forward to out of your 100 men, or to the number of men who are likely to fall upon your pension list, supposing it to be self-supporting. There must be a certain period at which the number of deaths out of your pension list, to a certain extent, stops the increase of it?—Some of the pensioners are very old; the oldest man is 78 and the youngest 45, so that there is a considerable range. I can form no idea of that time; it depends entirely upon how long they live; it is a calculation for an actuary.

1125. What is the amount of your fund at present?—The amount of the fund, upon the 29th of September, was 2,879/. 18 s. 11 d.

1126. Is that invested in your county?—It is invested in the Three per Cents.; it is not lent at all.

1127. That is done by direction of the magistrates, I suppose?—Yes, by the quarter sessions.

1128. What were the receipts for last year?—£. 424.

1129. Was that made up principally of contributions, or in what way was it divided between contributions and penalties?—£. 164. 9 s. 2 d. from the contributions of the men, and 76 l. was the amount of fines and penalties handed to the

Chairman—continued.

fund; fees for the execution of warrants and service of summonses, 115 l. 17 s. 9 d.

1130. Then you do in your county, at present, take the same fees that they do under the Act in boroughs?—Yes, we do; it has been so ever since the force was established.

1131. It is not directed by the Act?—I am aware of that.

1132. But it is by direction of the magistrates?—It has been so.

1133. I believe the rate of your contribution is 2½ per cent.?—It is.

1134. What are your disbursements in last year; your receipts are 425 l.?—£. 702. 8 s.

1135. So that your expenditure in that year exceeded your income very considerably?—Yes.

1136. Is that an increase of expenditure over income which has been going on steadily, or is it only momentary?—Since the year 1868 the fund has been compelled to trench upon capital.

1137. Since that year it has been gradually diminishing the capital?—Yes, since 1868.

1138. Therefore you do not consider your fund in a satisfactory condition at all?—I consider it very unsatisfactory.

1139. How would you propose to remedy that; you have heard, I dare say, what other witnesses have said; would you give the Committee your ideas with regard to the remedies you would suggest for altering this state of things?—I would suggest that the whole of the fines imposed by the justices upon drunken persons and for assaults, the informers being police officers in summary convictions, the proceeds of the sale of worn out clothing and harness as at present, the pedlars' certificate money, fees for service of summonses, and execution of warrants, should go to the superannuation fund.

1140. The latter you have at present?—Yes, but that should be legalised, and also fees for stamping weights and measures, which at present go to the county rate, although the duties are performed by the police.

1141. In fact, all duties which fall upon the police, and all penalties in cases where the police are informers, you would suggest should be placed to the credit of the fund?—I would.

1142. Have you made any calculation as to how much that would strengthen your fund?—I hardly think, even then, that the fund would be sound.

1143. Have you any other suggestions to make to the Committee in order to conduce to that result?—No, unless a contribution was made by the Government; that is the only suggestion which occurs to me.

1144. The scale of contribution from the men is the same for all ranks, is it not?—It is 2½ per cent. from all ranks.

1145. Do you agree with the other witnesses that that should remain as the proper scale?—I think so.

1146. Without making any difference between the grades?—I think not.

1147. Upon what scale are your pensions arranged in the county?—They are nearly all according to the Act, two-thirds, upon my certificate that a constable is incapacitated.

1148. Upon your certificate, and a medical certificate also, I presume, they get two-thirds, according to the length of service, be it 15 or 20 years?—They get half-pay after 15 years, and two-thirds after 20 years.

1149. After

Chairman—continued.

1149. After they come to 60 years of age, upon your own recommendation, without a medical certificate, they would then be entitled to receive a pension?—Yes, they would then be entitled to receive a pension; but as a matter of fact, only one man has reached the age of 60 years in the force since I have been in command of the force.

1150. There is only one man who has ever been pensioned by reason of age; the others have been all pensioned in consequence of being unfitted for service, or on account of ill-health?—Yes.

1151. And on the certificate of the medical officer?—Yes.

1152. Do you consider that that is a condition of pension which is satisfactory to the force?—I do.

1153. You think that the pensions which they now receive are upon a proper scale, and give satisfaction to the men?—I think that the feeling of the men is, that after a certain number of years' service, they should be entitled to claim some pension.

1154. Then you think the men do not agree to that?—No, I think the men would like to have a claim; in fact I know they would.

1155. The men in your county agree with many of the chief constables whom we have heard in evidence to day, in feeling that the present state of uncertainty should be changed for an actual fixed term of service?—That is so.

1156. Do you endorse their statements, with regard to the force under your command?—I do, certainly.

1157. In enlisting men, do you think that the question of pension at all enters into their calculation?—Yes, I do.

1158. Do you consider that a fixed scale of pension would be an inducement to men to join the force?—I think so. If a man is coming to join the force, the superintendent can tell him, if you serve so many years you will be entitled to get a pension of so much; I think that would greatly conduce to getting a good style of men to come to us.

1159. Would it induce men to remain longer in the force without changing?—Yes; I think after they have done about five years' work it would keep them on.

1160. You think that a prospect of pension would counteract the inducements held out by other occupations to leave the force?—Yes.

1161. Do you think it would be for the benefit of the service that you should get men in it of continuous service?—Certainly.

1162. What scale do you think should be adopted if a fixed term of service were agreed to?—In my force the average service on retirement has been 22 years; in those cases which have been pensioned, and I think as far as I can see, a man is not worth much as a constable after that.

1163. That is to say, supposing a man has enlisted at 20; at 42 you think he has practically ceased to be physically an active officer?—I think so; but I think he would be fit to do superintendent's work, or a higher grade of work; but as a constable, the walking and the hard work has practically incapacitated him.

1164. And supposing he should be entitled to a fixed rate of pension after 21 years' or 20 years' service, what rate of pension do you suggest?—Nearly two-thirds.

1165. Would you raise that in proportion to 0.94.

Chairman—continued.

the time he continued to serve after that time?—I should be inclined to raise his pay for any further term, but not to increase his pension.

1166. You would not increase his pension, but you would meet the case by increasing his pay?—Yes, by letting him earn more.

1167. But I suppose, if he was promoted to a higher grade, he would practically be earning more?—He would.

1168. Is there any fixed time which you would suggest with reference to service in any particular grade before a man should be entitled to reckon the time in that service for pension?—No, I should be inclined to let a man retire upon the pension of his rank.

1169. Supposing a man has served 22 years in the force, and the last year of that term he had been superintendent of the force, you would allow him to calculate his pension upon the superintendent's rate of pay?—I would.

1170. You do not think that it would be for the advantage of the service, and of the ratepayers in the county itself, that he should be obliged to serve a certain fixed time in that particular rank before retiring on that rate of pay?—I do not think so, for this reason, that he might struggle on serving, if he is obliged to serve, a certain number of years, say seven years, in that grade. After he had been one or two years promoted something might happen to make him incapacitated, or nearly so. He would try to go on serving in order to complete his term, and it would be hard upon the chief constable to have to turn him out.

1171. You would be tolerating a man in the force, because you would not like to create what would be a practical hardship upon him in the way of altering the rate of his pension?—Yes.

1172. Would you allow men to transfer their years of service upon promotion?—I would; I would allow continuous service in all police forces to count.

1173. In a case of promotion only, or would you allow a man who chose to leave your force, after being in it three years, to go to my county and enlist with me, and carry with him those three years?—I would, if the service were nearly continuous; if there was not a longer interval than a year between the services.

1174. Would that not be an encouragement to a man to shift his quarters perpetually?—A chief constable would not take a man from another force unless he knew that he was an eligible man; he would regard it in that way.

1175. Do not you think that in the forces which were short of their full complement, the chief constables, bound as they are to bring their complement up, in order to get the Government allowance, would be induced to accept men who had been in other police forces without any great scruples of that kind?—I should think not.

1176. You would advocate that the men should carry with them throughout the service the years that they had been in the force?—I would, provided the service was nearly continuous.

1177. That is to say, provided there was no long interval between the services?—Quite so.

1178. I suppose you will agree with the last witness with reference to allowing the children of a deceased constable, who left no widow, to benefit in the same way that a widow does?—I would allow them to receive a gratuity.

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1179. Are

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Chairman—continued.

1179. Are the gratuities in your force granted upon a scale?—Not upon a fixed scale, but as a rule, they generally get for each year's service a month's pay.

1180. That is the scale generally adopted in gratuities, is it not?—It is.

1181. Would you fix upon a scale for gratuities to be laid down; such as the scale in the Metropolitan Police Force?—I would.

1182. That was a scale fixed after Dr. Farr's report, I believe?—I think it was.

Colonel Dyott.

1183. When you say that a man should be entitled to his discharge after 22 years' service, I presume you mean, subject to the chief constable giving him a proper certificate of good conduct during his service?—Quite so.

1184. Have you ever known cases of men who, having served the given number of years that would entitle them to discharge, and being anxious for their discharge, were, in consequence of the chief constable not bringing them forward and recommending them for it, obliged to go on serving?—I have not known such a case in my county; the quarter sessions have always acceded to the recommendation of the chief constable.

1185. You say that you would never advance the pension beyond two-thirds of the men's pay, but that you would prefer to give an increase of pay after lengthened service, rather than advance a man's pension beyond two-thirds?—I would.

1186. Then, in point of fact, you would be giving a man more pay when he was worth less, because as he gets older he is worth less; we are told that after 45 years he is used up, and is worth nothing?—I would only give it him just previous to his retirement, to make a little purse to retire on.

1187. But it would be really giving more when he would be worth less?—It might be said to be so, but in point of fact there is now a sliding scale, as described in answer to Question 1191, by which men in the higher grades earn more pay as they grow older in the service.

1188. But between the two you think it would be better to advance the pay than to increase the pension?—I think so.

Mr. Torr.

1189. Have you any pensioners who were members of the force before the fund was formed?—No, the fund and the force were established together.

Mr. Leeman.

1190. What is the weekly pay of your constables?—They commence at 20s., and then they go to 22s. when they go on a beat.

1191. And the superintendents, what do they get?—They commence at 125l., and they increase after each five years' service 5l. per annum.

1192. And the serjeants?—The serjeants commence at 27s. a week.

1193. And they go to what?—Twenty-nine shillings; and the inspectors commence at 90l. a year, and go up to 105l.

1194. You say you have some men, one man, I understand you, as superintendent, who has been with you about 35 years in the force?—Yes.

1195. What is his age?—He is close on 60; from 58 to 60.

1196. He has now how much a year?—£.140; he is the senior superintendent.

Mr. Leeman—continued.

1197. Is he an efficient man?—Very much so; he is just going to be superannuated. He will be superannuated the quarter sessions after next. He has given me notice.

1198. But according to your plan he would have been entitled to have withdrawn from the force, being an entirely efficient man 16 years ago?—He would not have been able to do constable's work, in my opinion, during the last 15 years.

1199. How long has he been superintendent?—He has been superintendent 20 years.

1200. But you see that if your plan had been in operation, he would have been entitled to have retired from the force 16 years ago upon a pension of 80l.?—Yes, he would.

1201. Assuming your scale were adopted under which that man would have been entitled to retire at the age of 42, you would have lost that efficient man during all those years, and the county would have been paying 80l. a year ever since?—Yes, that is quite true.

1202. And he would have been quite fitted for another force?—He would have been fitted for a higher grade.

1203. He would be fit for a superintendent?—He would be fit for a borough superintendent, or head constable.

1204. Under your plan, would you give a man a pension at 42, leaving him eligible to take the superintendentship of a borough?—Yes, I should let him do as he liked; of course you could not prevent him.

1205. You have got one man from 25 to 30 years' service?—Yes.

1206. Is he a good man?—He is, and there is one 30 years and upwards.

1207. What were the ages of those men; have you any idea at what age they came into the force; they may be as old as the first man you have named?—They are a very little over 50.

1208. So that the same thing might have happened with regard to those two men under your plan?—It might.

1209. Do you think that your ratepayers would very readily fall in with a plan which would have any such operation in Bedfordshire; what boroughs have you got in Bedfordshire?—We have got two boroughs, the borough of Bedford, and the borough of Dunstable, but they are not policed by the county at all.

1210. They have a separate police at Dunstable?—Yes.

1211. Has Luton a separate police?—No, it is policed by the county, but Dunstable has a borough force of its own.

1212. Do you think that the ratepayers of Bedfordshire would have been very well satisfied to have seen those men pensioned at two-thirds of their past pay at 42 years of age, which is about the best of a man, is it not, and then taking service in one of the boroughs around them?—Nearly all the pensioners who are now pensioned from the force are earning their livelihoods by getting employment in different ways.

1213. But then they are men who have left your force at a much greater age than 42, are they not?—Yes, no doubt the age is larger; the average age was 54, but the average service was 22 years.

1214. You say that you have difficulties now in getting men, and that the difficulties in Bedfordshire

Mr. *Leeman*—continued.

fordshire have increased upon you, and that therefore you are driven to take younger men?—I am.

1215. Have you any idea from what that has arisen?—I only know that I am very particular about the character of the men.

1216. But that is a personal peculiarity, we will suppose; are there not other reasons which make it difficult for you; you are not far from the new mining districts of Northamptonshire?—I do not think that that affects us.

1217. But still you do find a difficulty?—I hardly know what to trace it to.

1218. What is the average wage in Bedfordshire?—About 16s.

1219. That is for an agricultural labourer, is it not?—Yes.

1220. If I understand you rightly, even if your plan were adopted, your fund would not be able to maintain itself without aid?—It would not.

1221. Do you think that the superannuation fund, if it is aided, should be aided in the same mode by the Government as part of the expenses of the police?—I see no reason to the contrary.

Mr. *Leeman*—continued.

1222. You see no reason why superannuation should not fall in as part of the ordinary police expenses?—They are part of the service of the Crown, and I do not see why their pension should not be paid in the same way as their wages are.

Mr. *Scourfield*.

1223. I believe the honourable Chairman asked you how the money was invested?—Yes.

1224. Is there no mode of investing it by which you could get a larger amount of interest?—The quarter sessions took the subject into their consideration six months ago; they said that as there were these continual claims, they considered that it would be difficult to put it anywhere where it would be so tangible in sums of about 300*L.* at a time as in the Consols.

1225. That is to say, if it is wanted to be repayable at call; but if you wanted it for annuities it would be of advantage to have it placed at a higher rate of interest?—But our difficulty is, that our annuities are in excess of our annual income.

Major
A. Warner.
4 May 1875.

Friday, 7th May 1875.

MEMBERS PRESENT:

Mr. Fairfax Cartwright.
Mr. Cotes.
Colonel Dyott.
Mr. Gourley.

Mr. Grantham.
Sir H. Selwin-Ibbetson.
Mr. Torr.

SIR HENRY SELWIN-IBBETSON, BART., IN THE CHAIR.

Mr. ROBERT HITCHMAN, called in; and Examined.

Mr.
Hitchman.
7 May 1875

Chairman.

Chairman—continued.

1226. You are Head Constable of the Norwich City Police Force?—I am.

1227. What strength does your force consist of?—The force consists of 96; the authorised strength of the force is 90; six persons are paid for by private individuals.

1228. The six constables belonging to your force now are under your orders, but appropriated to private uses?—Yes.

1229. Do your men contribute the per-centage to the superannuation fund allowed by the Act?—They do.

1230. Do they contribute $2\frac{1}{2}$ per cent.?—They do.

1231. What is the amount of the superannuation fund in the city of Norwich?—The total amount of the fund on the 1st September was 4,355 l. 1 s. 11 d.

1232. What have been your receipts to the fund during the last year?—The last year's receipts were 429 l. 8 s. 1 d.

1233. Can you tell the Committee how those receipts have been made up; in what proportion are your receipts drawn from the $2\frac{1}{2}$ per cent., and how was the rest of your income made up?—For the service of summonses, 115 l. 10 s. 3 d. was received; the treasurer's return is up to the 1st September, and mine is made up to the 29th September.

1234. This return which was made to the Home Office, was a return sent by the Treasurer up to a different date from that which you are now giving the Committee?—Quite so.

1235. That is the sum derived from the service of summonses?—Yes; that is the sum derived from the service of summonses, and the sale of cast-off clothing.

1236. As I understand you, in the city of Norwich you do not get any amount of contribution to the superannuation fund from the execution of warrants?—No.

1237. Can you give the Committee the reason for that?—It is because we have no table of fees in existence; it probably may not be legal to charge, and the magistrates' clerk has advised the magistrates not to charge it.

1238. Not having a table of fees in existence, you do not charge for the warrants you execute?—No.

1239. And the service of summonses?—One shilling is charged for the service of a summons.

1240. You charge 1 s., which goes to the superannuation fund under the Act?—Yes.

1241. What contribution to that fund do you receive from penalties?—The amount of moieties of penalties received for drunkenness, where the police were informers last year, was 26 l. 14 s. 2 d.; that would include cases of cruelty to animals, and cases under the Public-house Licensing Act.

1242. The total amount of receipts from all sources you state to amount to 429 l. 8 s. 1 d.?—Yes.

1243. What were your disbursements during the same time against the fund?—£. 316 16 s. 2 d. was paid out of the superannuation fund to the pensioners.

1244. Did that include gratuities as well as pensions?—I think there were no gratuities last year; all would have been included if there had been any.

1245. How many pensioners have you on your list?—Eleven.

1246. At present your fund is a flourishing fund, inasmuch as the receipts exceed the disbursements?—Perhaps you will allow me to explain that there is 140 l. 8 s. paid in addition to that sum from the borough to constables, under the Municipal Corporation Act.

1247. Is it paid to the superannuation fund out of which the pensions come, or is it paid by way of pensions?—It is paid by way of pensions.

1248. Are some of those 11 pensioners paid out of that sum?—No. The reason why those men were superannuated upon the Borough Fund was, that the Act which was passed in 1859 was not in operation at the time they were pensioned, therefore we were unable to pension those men under the Superannuation Act, as at present in force.

1249. That is to say, the men who have served in the force previous to the establishment of the fund have distinct pensions from those who have come upon the fund subsequently?—That is so.

1250. And that 11 represents the number of pensioners who are at present upon your superannuation fund?—Yes.

1251. Do

Chairman—continued.

1251. Do you consider that fund likely to continue self-supporting?—No, I do not.

1252. Has the fund, during the last few years, steadily increased at the same rate, or has the rate of increase of the fund diminished yearly?—It has gradually gone down.

1253. And from its gradually going down you infer that, as years go on and more pensioners come upon the funds, the present receipts will not be sufficient to maintain pensions upon the present system?—Quite so. In 1870 our receipts were 575 *l.* 0 *s.* 10 *d.*, and our pensions came to 167 *l.* 13 *s.* 6 *d.*

1254. At that time how many pensioners had you on the fund?—I really cannot tell you.

1255. What I want to ascertain is, has the number of your pensioners recently increased very much?—Yes, within the last three years, and the pensions have also increased.

1256. Can you now give the Committee the number of men who are between 15' and 20 years' service, and from 20 to 25 years, and above that?—Of 19 years and under 20, there are three men now serving; 20 and under 21, there are five men; 21 and under 22, three men; 22 and under 23, one man; 23 and under 24, one man; at 25 years' service we have no man; 25 years and under 26 years, one man; and 30 and under 31, one man.

1257. And of those seven or eight men above 20 years' service, are many of them approaching the age of 60, at which age they can be recommended for a pension by you?—The superintendent is about 56 years of age.

1258. Is he the oldest?—He is the oldest officer in the force.

1259. Then the number of your pensioners arriving at the limit of age will not be likely to be increased for some time?—The number of men who have served 15 and under 20 years will rather tell upon the fund shortly.

1260. How many have you of that number of years' service?—We have 25 of them.

1261. But those are men who will fall upon your pension from being incapacitated by ill-health upon medical certificate?—Quite so; many of them are now getting feeble; they were taken on to the force when they were old men.

1262. Many of those men are likely to fall upon the pension list before very long from ill-health?—They must do so.

1263. Under those circumstances, you feel that although at present your fund is apparently in a satisfactory condition, as far as the balance of receipts against disbursements is concerned, when those extra pensioners come upon the fund you are afraid that the capital will be trenched upon?—I have no doubt of it.

1264. How should you propose under those circumstances to supplement the fund so as to make it self-supporting?—In the first place, I would suggest that a table of fees should be provided in all boroughs and counties; that is for constables to take the fees for the service of summonses and warrants and various other duties which are performed by them.

1265. Is that the only way in which you would strengthen your fund?—I would suggest that all moneys paid for granting pedlars' certificates should also be applied to the fund, and also penalties inflicted by the Justices in Petty Sessions.

1266. That is to say, you would make impera-

0.94.

Chairman—continued.

tive instead of discretionary the passing of the moieties of penalties in cases which now may be placed by the justices to the superannuation fund; you would then absolutely contribute to the fund?—The whole amount, not the moiety, should be paid over.

1267. That everything earned by the police as informers should go to the fund?—Quite so.

1268. What amount of increase do you calculate that would add to your income?—I should think probably 300 *l.* a-year.

1269. Do you think that 300 *l.* a-year added to your present income would render the fund self-supporting?—Conditionally on the service of a man.

1270. Under your present system of pensioning the men, do you believe it would be satisfactory?—No, I do not.

1271. Under what system of pensions do you believe the fund added to in the way you have suggested would be sufficient to meet the requirements of pensions?—I think there should be a limit to the service.

1272. That is to say, that you would do away with the present scale of pensions, and set up a fresh scale founded upon a limit of service?—Yes.

1273. What limit of service would you suggest?—I think if a man has served faithfully for 21 years, he should have the option of retiring if he wished.

1274. At what rate of pension would you allow him to retire?—I would allow him to retire on certainly not more than one-half of his full pay.

1275. Supposing a man remained in the force longer than 21 years, would you raise the rate of his pension on retiring then?—I would.

1276. Upon what scale would you pension him?—I would give a man a pension of two-thirds of his pay after 25 years' service.

1277. You would make no distinction between 21 years and 25 years; but you would give him a pension of half his pay at 21 years' service, and two-thirds at 25 years' service?—Yes.

1278. And you would allow him the right to claim his discharge with a pension of one-half of his pay at 21 years?—Quite so.

1279. Under a system of that kind, do you believe the pension list would be less or more than it is under the present system?—My opinion is, that it would be considerably less.

1280. What are your reasons for that belief?—We have two men now, who were very old men when taken on to the force; we retained them, in order that they should get the 20 years' service, so that we should give them their two-thirds retiring allowance from our superannuation fund.

Colonel Dyott.

1281. You kept those men when they were not very serviceable, in order that they might have a pension?—Yes, quite so; they have been good officers; they have served more than 15 years.

Chairman.

1282. Were there any further reasons?—They were past service; they had served a number of years before the passing of the Act of 1859, and half their previous service was only reckoned according to the terms of the Act.

1283. Under those circumstances, if your new scale

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*Mr.
Hitchman.*
7 May 1875.

Mr.
Hitchman.
7 May 1875.

Chairman—continued.

scale was adopted, those men would be in receipt of pension upon your list?—Yes.

1284. Therefore that would be an additional charge upon your superannuation fund?—Yes, but I do not think those men are likely to live very long; they are both men in very ill-health.

1285. Have you any other reasons for thinking that your scale, which you have suggested, would be an economy to the superannuation fund, as compared with the present system of pensions?—I think it would be an economy.

1286. I do not quite understand your reasons for thinking so, excepting that those two servants who have become pensioners, are in very ill health?—No man would become a pensioner until he had been in the service 15 years.

1287. If they had become pensioners on account of ill health, they would be able to obtain a pension, at present, after 15 years?—Yes.

1288. Are there many of your pensioners who are pensioned after so short a service as that?—I think about eight out of the eleven.

1289. Eight out of them are upon the pension list, not having served more than 15 years in your force?—Yes.

1290. From that you infer that whereas your new scale would oblige them to serve 21 years in the force before they claimed a pension, it would be an economy to the fund?—I think it would.

1291. Would not that increase the difficulty you are in at present with regard to the men, that if they had to serve 21 years in order to obtain their pension, even if they were incapacitated from doing their work, probably they would hang on in order to reach that period of service?—I presume those men who are now upon the authorised strength of the force would receive their pensions in a similar manner to what they do now.

1292. But I understand you to say you found that your pensioners were incapacitated after a shorter service than 21 years; do you think that would not be the case in future?—It would not arise again, because only young men are taken on the force now.

1293. At what age do you enlist men in your force now?—We take them from the age of 20 up to 30.

1294. And they would begin to count their service for their retiring pension at the age of 20?—Yes.

1295. So that at 41, the men would be entitled to retire upon half-pay?—Yes.

1296. Do you think that that would be a satisfactory condition to the ratepayers?—Probably not; but I think it would be satisfactory to the forces.

1297. It would not be satisfactory to the force, supposing any condition of that force rendered it unpopular with the ratepayers of the district where they were, would it; would not the ratepayers naturally complain that a man had retired from the service and carried with him a pension on the rates, at a time when in reality he was of an age to be serviceable still for many years to the county?—That difficulty might be got over, inasmuch as this; that a certain sum might be received annually out of the Consolidated Fund towards the pensions.

1298. You would supplement your funds by a grant from the Imperial funds?—Yes.

Chairman—continued.

1299. Do the men in your force complain of the present rate of pensions?—They do.

1300. That is to say, I imagine they do not complain so much of the pensions that they receive under the present scale, as of the uncertainty which they believe attaches to them?—Quite so.

1301. Do you think that the men of your force would agree to the scale you have suggested as being one which they themselves would wish?—I believe they would quite fall in with it.

1302. Should such a scale be adopted, do you think the men, when they arrived at 21 or 25 years' service, according to the scale, would continue in the force, supposing they felt themselves still active and serviceable men?—I think many of the men would, but it would much depend upon the constitution of the man at the age of 41.

1303. Would the prospect of rising to a higher rank in the force, and therefore to a higher rate of wage, and to a higher scale of pension, induce men to continue in the force after they were entitled to claim their discharge or not?—I think it would.

1304. So that all the men who arrived at 21 or 25 years' service would not necessarily leave your force?—No.

1305. What are the wages that you give your constables?—We commence at 21 s. a week for the first six months, 22 s. on their appointment being confirmed, 23 s. a week, 24 s. a week, and 25 s. a week.

1306. And after what intervals of service do those last three rises take place?—At no specific time; a man might serve for 10 years in one class, possibly; the classes are all open.

1307. The men rise by merit from one class to another?—Yes.

1308. What is the average rate of wage in your district?—I should say, in the city of course it is more, but the wage would average 1 l. a week, and in the agricultural districts 15 s.

1309. There is, practically, 1 s. or 2 s. in favour of the police force, upon the question of wages?—I think a police constable would rather obtain agricultural employment, if he got a shilling a week more, than remain a constable at 22 s.

1310. That is to say if he got 23 s. he would take other employment?—I believe so.

1311. Do you think the question of superannuation at all enters into a man's ideas with regard to his continuance in the force?—I do not think it does at the present time.

1312. Not after he has been some years in the force?—I think not.

1313. Do you attribute that to the uncertainty of the present scale?—Yes, I attribute it to the uncertainty of the present scale.

1314. Do you think the adoption of the scale, which you say the men are anxious to obtain, would be an inducement to the men to remain in the force?—Yes, I do; a great inducement.

1315. That it would be looked upon as an addition to the wages, and that after they had been in the force a few years they would regret leaving, because they would be giving up a certainty which they had looked forward to?—Decidedly.

1316. Have you had much difficulty in recruiting your forces?—I had great difficulty.

1317. Have you difficulty at present?—No.

1318. At the present rate of wage you have no difficulty in procuring recruits?—No.

1319. Do

Chairman—continued.

1319. Do the men remain with you, as a rule, or do they leave?—Frequently they leave us, and join other forces at a higher rate of wage.

1320. When the men leave you they go to enlist in other forces?—Yes, they go to join the Metropolitan or some of the Northern Borough forces.

1321. That is a question of wages, I suppose?—Quite so; there are some of the boroughs where the pay of police constables commences at 28s. a week.

Colonel Dyott.

1322. Is that the rate of pay for common constables?—Yes.

1323. What boroughs are those?—Newcastle-on-Tyne, I think, for example.

Chairman.

1324. Are you aware of any feeling in the force which you command, or wish upon the part of the constables, with regard to continuous service, or the carrying of their pensions on to another force upon promotion?—I know that there is such a feeling.

1325. Do the men complain of the present system?—They do.

1326. The present system by law allows them to take half of their service with them?—Provided they have served seven years, and have the consent of the chief constable of the borough and the county authority.

1327. Do you believe that it would be advantageous to the force to allow the men to carry their full service with them?—I do.

1328. On promotion, I suppose?—Yes.

1329. You would not allow them to carry continuous service when they leave one force, and join another, as a rule?—That would be hard upon a man, because a man may wish to leave one force, and go to a better and get more pay; I think the whole of his time should count.

1330. But would not that, practically, be rather against the principle that you have laid down as necessary for the efficiency of your force; you stated that you wished to keep men in the force, and that you looked upon the superannuation fund as a means of retaining them, but if you allow a man to carry with him his years of service wherever he goes, he may give you notice at the end of his first year, and go on circulating through the forces throughout the country, and in that way carrying his pension, and being a thoroughly inefficient man from wandering as he does?—Unfortunately, that is true.

1331. Under those circumstances, do you think it would be advantageous in the interest of the efficiency of the force, and in the interests of the ratepayers who employ them, that a man should be induced to wander in that way?—No; there should be no inducement for a man to wander about, but there are now.

1332. But you would approve of his carrying the full years of his pension with him in cases where he was promoted for the public good?—That might be so; it is so at present if he has served seven years.

1333. A man, then, carries half?—Yes.

1334. And you would allow him to carry the full amount?—Yes, I would.

1335. I should like to have your opinion, whether it would be for the public advantage, and for

Chairman—continued.

the benefit and the efficiency of the force, that a man should carry the full amount of years for his pension always, or only in cases of promotion for the public good?—That is a very difficult question to answer; my own opinion is, that a man should carry the whole of his service in all cases; I have men serving with me who have served in other forces.

1336. Have you any other point which you would wish to submit to the Committee?—I would suggest one thing, and that is that the pay of the police throughout the country should be assimilated.

1337. That is a question more for a general Police Bill than for the question which we have under our inquiry, which is with regard to superannuation?—But that is the great cause of the men wandering now.

Colonel Dyott.

1338. You say that you have 11 pensioners in your force now?—Yes.

1339. I think you said that some of them were upon the borough rates and some of them upon the superannuation fund?—Eleven are upon the superannuation fund.

1340. You have more than 11 pensioners altogether, have you not?—Yes.

1341. Are those 11 entirely upon the superannuation fund?—They are.

1342. How many pensioners have you upon the borough fund?—I cannot tell you from memory; I think eight is the number.

1343. Of those eight who are on the borough fund, is nothing stopped from their pay to go to the superannuation fund?—There was previously to their retiring; they paid 2½ per cent. to the superannuation fund.

1344. And now they are receiving their entire pension from the borough fund?—Yes, they are.

1345. Therefore what they contributed to the superannuation fund, has been paid entirely to the credit of that fund?—Quite so.

1346. You give them nothing from the fund to which they have contributed?—No.

1347. That is an arrangement with the town council, of course?—Quite so; there is a provision made for it in the Municipal Act.

1348. The whole of the 96 men of whom the force consists are now put under stoppages, I presume, for the superannuation fund?—The whole of them.

1349. Do you adopt the practice of stopping any portion of the pay of the police in Norwich for any misconduct?—Yes, we do.

1350. Do you have forfeiture of pay for some misconduct?—Yes.

1351. That is under your control?—It is under the control of the Watch Committee.

1352. What is done with the stoppages?—They are deducted from the men's pay, and placed to the superannuation fund.

1353. The sum you have got here under the head of penalties on drunkenness, means penalties imposed upon the public when the police are informers?—Quite so.

1354. Not the penalties you impose upon the police themselves?—No; that is included in the deduction from the men's pay.

1355. There is nothing on the face of this return to show what amount of increase goes to the superannuation fund by reason of stoppages from the police themselves?—That is included in

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the stoppage from their weekly pay; if a man's pay was 1 *l.*, 1 *s.* would be stopped, and he would receive 19 *s.*; that 1 *s.* is carried to the credit of the superannuation fund.

1356. In this return we have two sums, one amounting to 26 *l.* 14 *s.* 2 *d.* on penalties for drunkenness where the police are informers, and one of 115 *l.* 10 *s.* 3 *d.* for the execution of warrants. In addition to those two sums, you tell us that there is something going to the superannuation fund in the way of stoppages from the police themselves?—£. 178. 2 *s.* 4 *d.* was paid last year; that was the deduction of the 2½ per cent. from the pay, and the fines imposed upon them.

Mr. Fairfax Cartwright.

1357. Are those six private constables entitled to pensions under the superannuation fund?—They are.

Mr. Grantham.

1358. I suppose they subscribe to the fund in the same way as other constables do?—Yes.

1359. The only difference between them and the other constables is that they are paid by private individuals?—The town council charge private individuals a certain sum annually for them; they are changed like other constables, and take ordinary beats. Two of them are employed at Messrs. Colman's works, and two are employed at large breweries.

1360. When was that fund started?—In September 1852.

1361. Why was it not started before?—I cannot say; that was the first of my going to Norwich. I believe there was an Act passed before, namely, the 11 & 12 Vict.

1362. You stated that only half service counted before 1859; what do you mean by that?—Sup-

Mr. Grantham—continued.

posing a man had served 10 years in the Norwich force before 1859, five years of that only counted for pension.

1363. But supposing we were now governed by the law in force in 1859, a man would have to serve 40 years, in order to get a pension upon 20 years' service?—But there was provision made under the Municipal Act for pensioning constables when they were worn out and unfit for service.

1364. What did you mean by saying that half the service before 1859 only counted?—Because the 22 & 23 Vict. came into operation in 1859, and if a man only served two years in the force, one year of that would be counted towards the present fund; he would be entitled to count that in his 15 years' service.

1365. Before that Act came into operation, could you count every year?—There was no period fixed; a man must serve until he was old and unfit for further service, or was injured in the discharge of his duty; it was the 11 & 12 Vict. which provided for the superannuation fund before the 22 & 23 Vict.

1366. Going to another point, you say you enlist your men now from 20 to 30 years of age?—Yes.

1367. Why do you take them as old as 30; is there any difficulty in getting younger men?—I do not know; we take more men from 23 to 26 than we do over; I like to have men about 23 or 24, if I can get them.

Colonel Dyott.

1368. When was the Norwich force raised; you say the fund was started in 1859?—The Norwich force was raised in 1837.

1369. Has the Norwich force always been distinct from the county?—Yes.

Mr. GEORGE GLOSSOP, called in; and Examined.

Mr.
G. Glossop.

Chairman.

1370. You are Head Constable of Birmingham, I believe?—I am.

1371. Your force is a very large one, is it not?—It is.

1372. What number of constables have you at Birmingham?—Four hundred and sixty-five, exclusive of eight or ten specially engaged; they are on the strength of the force, but are paid for by public companies and private individuals.

1373. Do those constables contribute to the superannuation fund?—They are altogether attached to the force, but they are charged for to the companies who employ them.

1374. Therefore, really, you have 473 as the strength of your force affecting the superannuation fund?—Yes.

1375. Your contribution, I believe, is the same as others?—Yes, our contribution is 2½ per cent.

1376. And your fund at present amounts to how much?—£. 19,654. 19 *s.* 5 *d.*

1377. Is that made up to the present time?—It is made up to the 31st December last year.

1378. Can you give the Committee the receipts during that year?—The per-centage on salaries and wages was 745 *l.* 12 *s.* 6 *d.*, sick stoppages, 271 *l.* 6 *s.*, fines on police officers, 44 *l.* 15 *s.* 10 *d.*, penalties on drunken persons

Chairman—continued.

imposed by magistrates, 522 *l.* 0 *s.* 6 *d.*, and the service of summonses and warrants, 823 *l.* 19 *s.* 8 *d.* Then there is the interest of the monies invested by the council, 532 *l.* 11 *s.* 3 *d.*, bankers' interest, 219 *l.* 8 *s.* 1 *d.*, miscellaneous monies earned by the police, 87 *l.* 13 *s.* 10 *d.*, income tax returned by the borough treasurer, 7 *l.* 5 *s.* 7 *d.*

1379. That makes a total of receipts of what amount?—£. 3,334. 9 *s.* 4 *d.*; that is the amount of the treasurer's account up to the 31st December.

1380. Have you stated whether that included the moiety of penalties?—It does.

Mr. Grantham.

1381. Is that all included in the 522 *l.*?—It is 942 *l.* on the treasurer's account, but that does not appear to be made up at the same time as mine; there is a slight difference in the September account and the December account.

Chairman.

1382. But the total of contributions from the men, the receipts from interest, the moiety of penalties, and the service of summonses amounted to the sum of 3,334 *l.* 9 *s.* 4 *d.*?—Yes, for the last year.

1383. What were your disbursements during the

Chairman—continued.

the same period for pensions?—Altogether, 1,830 *l.* 4 *s.*; for pensions only, 1,740 *l.* 14 *s.*

1384. How many pensioners at that time were in receipt of pensions?—Fifty-five persons were pensioned.

1385. Was the difference between the 1,740 *l.* and the 1,830 *l.* paid in gratuities?—Yes.

Colonel Dyott.

1386. Is the 1,740 *l.* included in the total amount of disbursements of 1,830 *l.*?—It is included.

Chairman.

1387. That is to say, the larger sum of 1,830 *l.* is made up of 1,740 *l.* the amount of pensions, and 90 *l.*, the amount of gratuities?—Yes, to the widows of constables and constables; we have seven more men coming on to this fund at the end of this week.

1388. Are those men coming on under medical certificate at a time previous to the 60 years?—They have been worn out in the service.

1389. Do they come on the fund because they have arrived at the age of 60?—No; the average age is 54; they are worn out from some causes; the average length of service of those men is 26½ years.

1390. Under the Act you recommend them for pension with a medical certificate?—Yes.

1391. At present, your receipts to the fund are considerably in excess of the amount of your pensions, are they not?—Yes, more than 1,000 *l.* a-year.

1392. Has there been a steady progress in favour of the fund?—Yes. In 1872 the amount of the fund was 16,693 *l.*; in 1873 it was 18,190 *l.*; in 1874, 19,650 *l.*, beside the odd money.

1393. And the increase has been a steady rate of increase?—Yes.

1394. So that at present you believe your fund is self-supporting?—Quite so.

1395. Do you think that the fund will be able to bear any strain that may be put upon it in the way of pensions from your force?—Yes, any strain that is likely to be put upon it, I think.

1396. Under the system of pensions now established, you believe your fund is capable of meeting any strain?—Yes, but our Committee have not been very liberal in their distribution.

1397. I was coming to that; are the men satisfied with the way in which pensions are granted?—No, they are not.

1398. Do you mean to say that there is any great dissatisfaction in the force with regard to that?—Yes.

1399. Upon what ground; is it upon the ground of the pensions not being sufficient, or upon the ground of the uncertainty of their obtaining them?—Upon both grounds; that the pensions are not sufficient, and that they are uncertain.

1400. Would you yourself suggest a different mode of administering the pensions?—I like the present Act as far as it goes; but it requires to be made imperative up to a certain service.

1401. By that you mean that a man having served a certain period of service should be entitled to claim a pension as a right?—I think if a man were to serve 20 years' service, he should have a right to claim half his pay.

1402. And that after 20 years' service a man should be able to leave your force, and take with

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Chairman—continued.

him as a right half the pay of the rank in which he was then serving?—I should rather he should not leave the force if the Committee could draw a clause entitling him to draw his pension, and still retaining him, that is the difficulty; he is a better man if he has served 20 years during another five or six years than a new man.

1403. Would you induce him to remain by holding out to him a prospect of an increased rate of pension for an increased length of service?—I would.

1404. What increased number of years would you allow the pension to run up to?—From 25 to 30 years' service, but very few men can do police duty at 30 years' service. If a man can walk the streets for 25 years, it is as much as he can possibly do; very few men can do it for more than that; if they are officers they get less laborious work, but for constables who have to walk the streets during the day and night, and in all weathers, 25 years is as much as they can do.

1405. At 25 years you would give them a right to retire upon a pension of two-thirds?—Yes.

1406. Do you believe that would be sufficient inducement to keep the men in the force after 20 years?—Yes, I do; there would be a strong inducement if there was an addition of a fourth of his pay.

1407. Upon what scale would you calculate his retiring pension; would it be upon the average of his service through the different grades, or upon the grade that he was then in?—Under the present Act the pension is upon the pay which a man is in receipt of.

1408. But I want your opinion, whether you think it would be advantageous to adopt the suggestion which has been submitted to the Committee, that the man's number of years' service in all the grades should be taken, and the average struck for granting his pension, or whether you think that he ought to take his pension from the actual rank in which he was at the time of his completing his service?—It would be fair to the ratepayers, or to the fund, to take the average, but it would be a strong encouragement to the men to pay them upon the last rank; supposing, as the present Act says, he has served in that grade three years, the Act says a man must hold the rank three years before he can be pensioned upon that rank; if he is an inspector, he must be an inspector three years before he can be pensioned as an inspector.

1409. If he had been 20 years constable and inspector, and one year as a superintendent, he would have to take his pension upon the lower pay?—Yes.

1410. Do you think that the present system of three years should be raised?—I do not know. I should be in favour of anything that would be fair to the men.

1411. There has been suggested to the Committee, in one instance five years, and in another 10 years, as the term which a man ought to serve in a rank before he could claim the pension of that rank; you do not think it would induce a man who was unfit for service to remain too long in a force with a view to claiming that higher rate of pension?—I do not think it would.

1412. You think it would be advantageous in the public interest that a man should be obliged to remain in a certain rank three years before

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Chairman—continued.

he could claim a pension upon the scale of that rank?—Yes.

1413. I think you have stated that your funds were invested; in what securities are they invested?—The funds are invested in the baths and wash-house loan improvement and capital loans; the council have borrowed them themselves.

1414. At what rate are those monies invested?—Four per cent.

1415. Do all your funds stand at present at the rate of 4 per cent.?—Yes.

1416. Do you agree with the previous witness (I presume you do not), that your fund wants strengthening?—I think the fees for pedlars' certificates should go back to the superannuation fund, as they did before the last Act came into operation. The last Act took the money derived from pedlars' certificates from the superannuation fund.

1417. You would restore it to the superannuation fund?—Yes.

1418. You do not think, as the other gentlemen have suggested to the Committee, that it would be necessary to make the penalties in cases where the police were informers absolute instead of as at present, permissive payments to the fund?—I do think, in the interest of all other forces, which I know are badly off, that a moiety of the penalty in all those Acts which appoint it to the informers, should go to the Police Superannuation Fund in cases where the police are informers, such as the Highway Acts, the Turnpike Acts, and Improvement Acts, and all those model Acts which have been passed for obstructions and chimneys on fire, and such like.

1419. But in your own borough you do not think that would be necessary in order to maintain the efficiency of your fund?—No, we are strong enough.

1420. But in those cases there must be some power taken to apply the surplus of the fund to the borough or county rate, as the case might be?—Yes, quite so.

1421. Would you adopt as the scale of pensions under your new suggestions, a scale rising from the number of years 20 or 25, or merely have two dates of pensions, one at 20, and the other 25, one being one-half, and the other at two-thirds?—I think those two would be sufficient, being added to the present Act.

1422. You would not follow the scale laid down by the Metropolitan Police or the Irish Constabulary, that is to say, a scale of pension rising so much each year?—I really have not read those Acts, but there could be no objection to it.

1423. Have you had in your neighbourhood any difficulty in recruiting men for your force?—Yes; I am from 20 to 30 men short now.

1424. Has that difficulty continued for some time or is it only recent?—It has existed during the last two or three years.

1425. What rate of wage do you give the police in Birmingham?—Ours is good pay; it commences at 23 s., and then it goes on to 25 s. and 27 s.; they rise every six months if they are free from report.

1426. They rise absolutely every six months?—They rise a step every six months if free from punishment report; then there is a long service class under which 1 s. is added to that; if a man has been in a rank three years, he is entitled to 1 s.; if six years, an additional 1 s., and

Chairman—continued.

if ten years, to another 1 s., so that in three, six, and 10 years, they will achieve a rise of 3 s.

1427. Do you think that the method in which you distribute your pay has a tendency to keep your men?—Quite so.

1428. Do you think that the question of superannuation at all enters into their consideration with regard to continuance in the force?—I do.

1429. You think that under the present system of superannuation it holds out to them an inducement which retains them in the force?—Yes.

1430. And that the present system does?—Yes, the present system even does.

1431. If you had the other suggested improvements upon that system, that would of course not diminish their desire to remain?—It would increase their desire to remain.

1432. And as such be one more inducement held out to the force to attain a longer length of service?—It would.

1433. What is the average rate of wage in the neighbourhood about you, what proportion does it bear to the rate of your pay?—We are about on a par with a working man, except that the policeman works seven days, and the working man only five and a half days.

1434. But the wages of your policemen, in fact, are below the labouring wage?—Ours is a manufacturing town, and the men earn high wages.

1435. That of course is one of the reasons why you find a difficulty in obtaining recruits?—Yes; it requires a peculiar man to be a policeman; in the first place he must be 5 feet 7 inches or 5 feet 8 inches in height, and he must be able to read and write; and he must be a sober man, which is a very difficult thing to get in the present day.

1436. Do you find that your men leave you rapidly; are they constantly changing, or do you retain their services?—We lose nearly one-fourth of the men every year from all circumstances, from death, superannuation, resignation, and dismissal; the temptations are great in our town.

1437. Do you believe that an alteration in the pensions of the force would change that?—It would tend to induce better men, and men of greater intelligence to apply.

1438. Are there any other complaints that the men of the force have against the present system?—I think not.

1439. You have not heard anything of that complaint which was mentioned by the last witness, of their wish to carry their years of service into other forces?—I have heard a good deal of that, and I know that it is a disadvantage both in the officers and men to be trotting about from one force to another, although if a man should leave on promotion from one force to another with the consent of the chief constable, there is no reason why his service should not count.

1440. In a case where a man left for the public good you think it would be a right that he should carry the years of his previous service with him?—Yes; in a large town they train officers so much better than they do in the small ones, and when they want a good officer in a small town it is for the public interest that the man should go, and my men hesitate to go, as they do from all large towns, because they are afraid of losing half their service.

1441. The present Act you think might be altered

Chairman—continued.

altered to that extent, that in cases where the men were promoted in the public interest they should not be losers in counting their years of service?—That is correct.

1442. Have you heard men of your force make any mention of the hardship, as it is considered in some forces, that upon the death of a constable, supposing there is no widow, the children cannot participate in the gratuity which would otherwise be given?—It is a very great hardship. I have reported to the Government inspector every year that it was necessary to include orphans in addition to widows.

1443. I forgot to ask you whether the date of the establishment of your fund coincided with the establishment of your force?—No, the force was established in 1839, and this Act of Parliament, under which most of the forces established a superannuation fund, was not passed till 1859.

1444. Therefore there were 20 years in which there was no fund at all?—Yes; we, like other forces, labour under the difficulty of having old men to pension off.

1445. Have you any old pensioners on your fund who served under the Act before 1859?—No, we dealt with them under the Municipal Act. The reason why this present Act has worked so injuriously to the men is in consequence of the clause stating that only half the time served before the Act should reckon.

Mr. Grantham.

1446. Where they had not been obliged to pay anything towards pension before, only half their time counts?—Yes, and in boroughs where no funds were established; consequently a man who had been serving 10 years before this Act was passed would only count five years, and would have to serve 20 years after that, in order to obtain his pension; and in addition to that, our borough has never pensioned up to the full amount of the Act.

Chairman.

1447. In your borough they have never pensioned fully upon your recommendation?—They have never given above half pension for even 22 or 23 years' service.

1448. Under those circumstances let me ask you, do you think that if the men could claim pension as a right at a fixed sum the fund would be self-supporting if the full pension came into play?—Yes, I think so; because we have got over the difficulty of these old pensioners coming upon it.

1449. You think you could sustain a very much greater strain than is put upon that fund by the magistrates?—We could.

1450. Do you think there would be any very great difficulty in getting the magistrates to adopt a fresh scale?—We are under a town council and a watch committee.

1451. Who have not up to the present availed themselves of the limits of the Act?—No, they treat it as their money and not as the policeman's money, but as if they were doling it out of the ratepayer's pocket. When a man comes up for pension they look at the character book and see what family he has, and if he had saved a hundred or two that would count for a shilling or two less pension; they pay a man according to his necessities, not according to his rights.

1452. Are there any other points which you

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Chairman—continued.

wish to suggest to the Committee?—I think not, except that in the counties I do not think the money obtained from the service of summonses and warrants is applied to this fund.

1453. There is no power to apply it under the present Act?—No.

1454. The Act which applies it at present is only the Act applying to boroughs?—No.

1455. Have you considered the question of superannuation generally with regard to the whole country beyond your own boroughs?—Yes.

1456. Are you sufficiently acquainted with country forces and their history to be able to say that by strengthening them in that way they would be self-supporting?—Yes, by applying to the fund the moieties of the penalties in those cases in which the informers would be entitled to them, and by amalgamating the small forces with the counties; no force under 50 men can keep a superannuation fund.

1457. But can you state to the Committee why you think counties and other large boroughs, or boroughs of sufficient force to maintain a superannuation fund, should not be able to do as you have done in Birmingham; that is to say, create a self-sustaining fund without these absolute penalties?—We lose one-fourth of our strength every year, consequently hundreds of men will be in the force three or four years, and subscribe to this fund, and leave, from some cause or other, without drawing anything.

1458. But you stated that you hoped to set up a system under which you would keep your men for a greater length of service by giving them a pension which they could demand after a certain number of years' service, and thereby do away with this constant shifting of your force. Under those circumstances you would not be able to save your fund to this extent, would you?—Whatever you do you will always have a number of changes in any force.

1459. Why should that not apply to another force equally?—So it does.

1460. Yet the chief officers of force after come and tell us that their funds are gradually being eaten up?—It wants the small forces to be amalgamated with the counties, and the penalties applied to the funds as we have mentioned.

1461. But I should like to get at the additional precautions which Birmingham has exercised to keep up its fund?—I can state nothing further than I have done.

Mr. Grantham.

1462. What funds go to your superannuation fund which do not go to the superannuation fund in other boroughs and counties?—Not any in other boroughs; but, as compared with counties, there is this large sum of 800 l. or 900 l. for the service of summonses and execution of warrants which goes to the fund; it ought to go to that fund in counties; and a good many pounds are earned, in the shape of gratuities, by policemen for attendance at concerts, and so on, that goes half to the policeman and half to the superannuation fund.

1463. You say that your watch committee have never been liberal with regard to these pensions; do you say that if they were properly liberal, and acted up to the limits of this superannuation allowance, your fund would be in the same position as it is?—Not in the same position

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as it is, but still quite in a position to sustain that additional disbursement.

1464. Can you inform the Committee how many men you lose every year by resignations?—Yes.

1465. You say that you lose one-fourth every year from all causes, but I want to know how many are changed from their own desire?—In 1872, 41 men resigned of their own accord; in 1873, 38; and in 1874, 42. Ordered to resign, 3 in the first year, 1 in the next, and 3 in the last. Dismissed, 20 in 1872; 14 in 1873, and 34 in 1874.

1466. That makes only about one-eleventh every year who voluntarily resign?—Yes.

1467. Do you think, whatever your superannuation fund was, you would be enabled to prevent less than one-eleventh resigning every year in a town like Birmingham?—We may prevent a few per cent. leaving less than that, but a great many leave from getting offers of better situations; it is incessant walking and work every day of the week, Sundays and all.

1468. In other words, are not the temptations in Birmingham so great that do what you will men are sure to be resigning every year to better themselves?—Quite so.

1469. You would not therefore advise the Government to make such alterations for the whole of England as to induce men to stop with you in Birmingham regularly?—I hardly know how I can answer that question.

1470. Would it not require a much greater inducement to men in Birmingham to stop than would be necessary in other places?—I think it would.

Mr. Gourley.

1471. I think you stated that you have at present 55 men chargeable upon the superannuation fund?—Yes.

1472. Are they paid upon any fixed scale or system, or are they paid upon a scale of gratuities when they are superannuated?—It is so much a week, a little below half their pay.

1473. In the course of your evidence you stated, I think, that your committee were in the habit of paying men according to their necessities, that is to say, that if a man had saved 200 *l.* or 300 *l.*, he would not get the same amount of superannuation as a man who had not saved anything?—I did say so.

1474. That is the system under which the watch committee work?—No; the Act under which they work says they shall give a man half pay for 15 years' service, and for 20 years' service two-thirds of his pay. Now all these men who have been pensioned have served upon the average 23 years, and the last lot 26½ years, and yet not one of them has had but a little above half his pay.

1475. Those men are superannuated in accordance with a system provided by the watch committee rather than that laid down by Act of Parliament?—Yes; the Act gives them a discretion, and they exercise their discretion.

Mr. Grantham.

1476. The watch committee are not bound to give them the half?—No; the policemen want the word "shall" instead of "may" put in.

Mr. Gourley.

1477. Do you think that a good system?—I

Mr. Gourley—continued.

think it is a good system for the fund, but a bad system for the men.

1478. If they were to work upon a different system, do you think that you would get better men in the service than you have now?—No question about it; in Staffordshire and Worcestershire, and all round us, they act up to the Act of Parliament, and give the men half pay where they deserved it, and two-thirds where they deserved it.

1479. You would be in favour of having the Act of Parliament made compulsory?—Quite so.

1480. I think you stated that the ordinary time during which a policeman could do his work would be from 20 to 26 years?—Yes.

1481. Is there a difference between Birmingham and rural districts as regards the term that a policeman could work?—Very great.

1482. If a man could work 20 years in Birmingham, how much longer could he work in a rural district?—Quite another five years.

1483. Would you make any difference in the scale of superannuation as between men in towns and men in country districts?—I do not propose that at all.

Colonel Dyott.

1484. With regard to superannuations, you say you think that men should count a certain portion of their service upon being transferred to another force with the consent, of course, of the authorities of the two forces; the one he leaves, and the one he goes to?—I would.

1485. I quite agree with you; and I want to carry it a little further to ascertain what your opinion would be with regard to pensions upon the superannuation fund; you say that after 20 or 25 years' service of walking the streets of Birmingham a man is pretty well used up?—I do.

1486. I quite agree with that; you tell us also that it would be conducive to the general good of the service that a man, having gained the experience which he alone can gain in a large town like Birmingham, should serve if he were so disposed, in a quieter place; then where would be the objection, or do not you think there would be any objection when a man has served 15 years in a town like Birmingham, that he should draw, we will say, half of the pension after 15 years, and carry that with him, and go into another force on promotion, instead of continuing for 20 years or upwards in Birmingham, and then drawing a higher rate of pension from the superannuation fund; do you think that a principle like that would work well, it being about the same principle as regards pension as that which we wish to recognise as regards service?—It is the very thing which the police desire, and which would do good.

1487. We have been told by the witness immediately before you, that in the borough which he represented they were in the habit of keeping men on their strength, although they were unserviceable, because the authorities thought it hard that they should discharge them shortly before their period of pension would count. Now, upon the principle that I would suggest, do you think it would work well, that instead of such men being kept in that way upon the strength of the force when they were unserviceable, when the authorities were unwilling to discharge them, they should discharge them when they became comparatively unserviceable in a large town like Birmingham,

Colonel Dyott—continued.

Birmingham, but still might be serviceable in a small borough, such as you have referred to?—I think it would be a good thing that such power should be given.

1488. And it would work well in the force?—Yes; we sent one man to Lichfield who had been many years with us, and he was a very good man.

1489. Supposing a man had been many years in Birmingham, do you think it would be better worth while to give him half pension rather than

Colonel Dyott—continued.

keep him until 20 years at a higher pension; you think it would be a good stroke of business for Lichfield to have him, although he would come upon the pension list at Lichfield ultimately?—I quite grant that it would be a great advantage to the service generally, and a convenience to the policeman, if that could be arranged.

1490. Birmingham would be glad to get rid of him, and Lichfield would have a great advantage in getting him?—Yes.

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Captain WILLIAM CONGREVE, called in; and Examined.

Chairman.

1491. You are, I think, Chief Constable of Staffordshire?—I am.

1492. How long have you been in the force there?—Nearly nine years.

1493. What strength is your force?—Close on 500 men; 496, with a score of additional constables besides, who are under my command.

1494. Are those 20 constables employed on private duty?—Yes.

1495. But still all are upon the superannuation fund?—No.

1496. Not taking from or contributing to the superannuation fund?—No.

1497. Can you give me any idea of the number of men between the different periods of service of your force?—Yes, I can give the Committee the whole of that. I think probably you had it from Colonel Cobbe, but if not, I have it here. I have between 30 and 35 years' service, 10 men.

1498. Are those principally superintendents, or are there any constables among them?—There are a few constables among them, and two or three of them are still hale men and able to do their duty; men who entered young. Between 25 and 30 years' service, I have 15.

1499. Of those, how many would you say are constables who are still on beats?—There are some of them superintendents, some of them constables doing their duty, and some of them are serjeants. Between 20 and 25 years' service, I have 24 men; between 15 and 20 years' service, 44 men; and between 5 and 15 years' service, 160 men; that leaves about 240 under five years' service.

1500. Are the men who have been in the service between 30 and 35 years, or between 25 and 30 years, approaching the age at which they could claim pensions on the score of age?—Many of them could now, if it be understood that a man can claim at 60, which I do not quite understand.

1501. But at 60, supposing a man could claim?—There are several over 60 who could claim a pension who do not wish it.

1502. Who are still efficient officers?—Yes.

1503. I suppose they do not walk beats?—There is one man who walks a beat close to Stafford, a country beat of a large area, who is upwards of 60 years of age.

1504. Your fund is at the present moment 38,811*l.*?—Yes. I suppose it is the best in England, or nearly so.

1505. And the receipts in the last year were, how much?—The receipts last year were 4,088*l.*

1506. And its disbursements in the same time?—The disbursements were 1,580*l.*

0.94.

Chairman—continued.

1507. Is that increase a steady sum which comes annually, or is it diminishing?—It is still increasing, and not only increasing, but it is increasing relatively in each year at a larger per-centage than the year before.

1508. How is that income made up; can you give the Committee the items?—In 1874, 2½ per cent. from pay, 805*l.* Deductions during sickness, 108*l.* Under various heads; as fines on constables for misconduct, fines for drunkenness, &c., but mainly penalties and parts of penalties awarded by the justices' courts, 1,569*l.* Sale of old clothing, 93*l.* Interest on invested capital, 1,511*l.*

1509. Your income, of course, is not contributed to in the county from the service of summons, and the execution of warrants?—No.

1510. That, I believe, amounts to a large sum in your county, of over 3,000*l.* a year?—It would be about that.

1511. But notwithstanding that you are not in receipt of this sum, your fund is in that flourishing condition?—Yes. No doubt one cause of the prosperity of the fund so far is, that within the last 20 years the number of the force has become nearly double what it was originally, so that our pension list is recruited from about 250 men, while the contributions are made by 500; that, of course, would render the fund exceptionally prosperous.

1512. What is the number of pensioners which you have at present on the fund?—Forty.

1513. I believe your fund originated very closely upon the date of the creation of your force?—Yes, in the following year.

1514. So that among those pensioners there are none that have been taken over from the previous force?—No.

1515. You have stated to the Committee that the service of your men is very considerable?—Of a very few men. The bulk of the men are of a low average of service.

1516. But there are between 60 and 70, or rather more than that, who are over 15 years' service?—Yes, 90 are over 15 years' service.

1517. Under the system of pensions as at present administered, those men will only be thrown upon the pension list, either by being recommended upon medical certificate for incapacity on account of ill health, or by arriving at the age of 60, upon your recommendation?—That is so.

1518. Do you think that the present mode of conferring pensions is satisfactory to the force?—It is certainly not satisfactory; I have taken great trouble to ascertain that from men of all ages, ranks, and standing in the force.

1519. In your opinion, apart from that of the men, do you think that the system of conferring pensions

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pensions is unsatisfactory, having regard to the efficiency of the force?—I have no doubt it is.

1520. Do you agree with other witnesses in suggesting that a fixed rate of pension for length of service should be granted to the men instead of the present system?—I was very much averse to it at one time, but I have, with much regret, come to think that it is a necessary concession to make.

1521. Have you come to any conclusion with reference to the period at which you would allow a man to claim a pension for length of service?—I have considered that matter with regard to army pensions, and I would place every policeman after 21 years' service upon the same basis as a non-commissioned officer. The steadiness and good conduct which would keep a man in the force for 21 years would, certainly, have made him a serjeant or a serjeant major in the army, and you certainly should not give him less pension than you would give to a serjeant, which would be a maximum of 2*s.* 3*d.* a day. Men argue thus, but I think possibly they would be satisfied with half pay, which is something less than that; I have heard that point argued very much; I cannot see my way out of it.

1522. Would you give a different rate of pension for a longer period of service?—Yes, I would.

1523. Would you do it by a rising scale, or by a fixed period?—I think it should be an annual increment after 21 years' service.

1524. Up to any amount?—No, not to exceed two-thirds; I do not think it would be fair to any fund to do it.

1525. At what period of years after 21 would your scale arrive at the two-thirds?—I would say from 21 to 30 there should be an annual increment.

1526. You would allow length of service to carry additional pension up to 30 years' service?—Yes, and that service afterwards should be rather permissive than otherwise, seeing that you are as well rid of a man, as not, after 30 years' service.

1527. Under the 20 years' scale, would not your fund be liable to have a large number of men suddenly thrown upon it?—No, not suddenly; I have talked to a large number of my men, and not one of them would take half-pay now; they would all work on to get the two-thirds; I have said to them, you have 20 years' service, and you, 25, and so on, would you take half-pay now, or wait for two-thirds, until you were desired to retire, and they all say, we would rather wait for the two-thirds.

1528. You think that that change in the system would not throw a large number of those men suddenly on the fund, but that they would be induced to wait for the higher rate of two-thirds, or for the higher grade of pay which they would receive by rising in rank?—Yes; nearly all who are in a position to make a claim.

1529. I believe you have considered Dr. Farr's Report?—Yes, I have thought a great deal about it. Of course I cannot pretend to dispute figures such as Dr. Farr's, but his conclusions are entirely falsified by the experience of our own particular fund.

1530. Are you aware that Dr. Farr lays down a scale longer than the one you have suggested; and that he also states that a fund cannot be considered self-supporting unless you are pre-

Chairman—continued.

pared to meet the possibility of nearly half your force being thrown upon your pension list?—Yes, I am aware of that, but I cannot understand it; because if I take the original force as it was first constituted, I had nothing like that proportion upon the pension list after 30 years. The original strength of the force in 1842 was 189 men, and immediately it was sent up to 239; that was 25 years ago; and I have only 40 pensioners now, when I have reached the 32nd year of the fund.

1531. Do you attribute that to the fact that the men are constantly changing?—In some measure; we are very subject to changes where I am placed.

1532. Is that in consequence of the rate of wage around you being more attractive than that of the constables?—Yes, the rate of wage in civil life and in the police forces all around us.

1533. You lose men by the higher pay of the forces in your neighbourhood?—Yes, particularly in some of the great Lancashire boroughs; we are only 20 miles from Manchester, and I have a part of my forces which march with Birmingham. I have part of the suburbs of Birmingham in my charge.

1534. An altered system of pensions would not be such an inducement to men to remain that it would counteract that fluctuation in your force?—Certainly not, if you allow men to carry their service with them elsewhere.

1535. Do you agree with the last witness that the service should only be carried on promotion for the public good, or that it ought to be allowed to be carried on any change whatever?—No; it should only be carried in the case of promotion for the public good, otherwise my force would be a nursery for all the borough forces in England.

1536. The distinction you would make would be that you would allow a man to carry his service on promotion for the public good, but you would not allow him to do so when he chose to leave your force for any other reason?—No; I do not think I would give him more than half his service in any case, because I do not think rolling stones are much use to anybody. I know a man who has charge of a borough in Staffordshire; he has made it a very good force; he is trying to get another borough now, and he will go on till he gets Birmingham or Liverpool. For the office of chief constable of a county, the trouble and uncertainty of election would prevent frequent changes; but it would be a great evil to boroughs if their officers were continually trying to advance themselves from one force to another a step better. The effect of it would be that you must raise the pay of chief officers in boroughs to almost any amount they like to ask if they are worth keeping.

1537. In fact, you do not think that you would alter the present law?—No, but the men should carry half-service as they do at present. I do not apply my remarks to small boroughs only, and their chief officers. Birmingham would take all my best constables as serjeants, and small blame to them; if they could carry their service with them, the men naturally would go as serjeants to Birmingham or Manchester.

1538. It would be a blow to your force if the suggestion which has been thrown out of allowing them to carry full pension were acted upon?—Yes, I think it would be a blow to all our county forces, especially in the neighbourhood of boroughs.

1539. The

Chairman—continued.

1539. The present law is that a person's promotion can only be after a certain number of years' service?—I think the Act says seven years, or something of that sort; they would not be worth making serjeants of before that if they were worth taking at all.

1540. Can you give any reason to the Committee for your fund being so exceptionally prosperous?—There is one which I mentioned before, and that is that our pension list is derived from a small number, whereas we have a large number of contributors; they contribute not only their per-centage, but they bring more work before the magistrates, and increase what certainly is our largest source of income, namely, the penalty list; our penalty list pays our whole pension now; it is 1,500 *l.* a year, which is received from fines.

1541. Do you attribute largely to the way in which the penalty list is worked the prosperity of your fund?—The penalties have increased very much, and I take very great care to let every penny be collected that can be. The Act first introduced by Sir H. Selwin-Ibbetson providing a minimum limit to fines on publicans helped our fund much. I have trebled the amount received for penalties in nine years; but I do not know that it will go on increasing in the same ratio.

1542. I think that Dr. Farr's calculation fixed a very high contribution as necessary to make the fund self-supporting?—Yes, 8 *l.* odd per man.

1543. That is a very much larger amount than the contribution of your force, is it not?—The contribution of my force a few years ago was 3 *l.* a head; it is now over 5 *l.* a head.

1544. That is including their earnings?—Including everything except interest on invested capital.

1545. That is very much larger, is it not, than the general scale of contributions?—It is very much larger than it was when Dr. Farr's Report was made; I do not know what it is now. Ours was somewhere about the average on which Dr. Farr calculated at the time he made his Report but it has very much increased since.

1546. Do you find any difficulty with regard to the pensions under the present system; is there any hesitation upon the part of the authorities in granting pensions?—No, as a rule they are very liberal.

1547. Do the authorities grant the pensions up to the maximum allowance?—As near as they ought; I think there should be a power of differing pensions according to character; I think it would be very wrong to give every man the same pension irrespective of character, and irrespective of whether they had been in the force 20 years or 30 years.

1548. Would that make some difference in the suggestions you have submitted?—Yes; I have stated in this paper that there should be a power to reduce the maximum pension by 10 to 15 per cent.

1549. Then what you would suggest is, that whilst a man should claim his pension, it should be in the discretion of the authorities as to what the amount of the pension should be within certain limits?—Yes, within narrow limits.

1550. You think that there should be a maximum and a minimum?—Yes; the maximum being half-pay at 21 years' service, subject to a reduction of 10 or 15 per cent., at the discretion of the authorities, according to the circumstances of the case.

0.94.

Chairman—continued.

1551. Does your experience extend beyond your particular force; have you thought of the question at all with regard to other forces' funds not being in a flourishing condition?—Yes; I have thought generally of what would be a satisfactory method of supporting funds which are in difficulties, and our own may be in difficulties hereafter for all I know; I will not pretend to say it will not, but I doubt its being so for many years to come.

1552. Can you give the Committee an account of how you would propose to augment funds which are in an unsatisfactory condition?—I think we should go upon some settled principle and not take a part of this penalty and a part of that, and another part of another penalty, or take whatever a bench of magistrates in its own discretion may choose to award; some may give much, but some may give little, but I think we should receive penalties, whether whole or half (I say the whole), from every class of offence in which the police are informers; we receive the moieties of penalties now in nearly all the cases in which the police are informers.

1553. At the discretion of the magistrates?—Yes, at the discretion of the magistrates; I think the discretion is useless when it is practically exercised by the magistrates' clerk; I do not think the magistrates know or care much about it, and I do not see why one particular district should be favoured at the expense of the ratepayers of a whole county; I think if it is an equitable principle it should be established by law and be inalienable; I do not see what objection can be made to it; no one policeman can influence the fund; the evidence of one policeman may possibly be untrustworthy, but the penalty does not go to him, it goes to the fund.

1554. And you think the effect of making these fines payable to the police fund, in cases where the police are informers, would tend to strengthen the superannuation funds?—By making the moieties inalienable, you would no doubt strengthen the funds *pro tanto*, but not materially, because we get them in pretty nearly every case as it is. My opinion is that nothing short of the whole penalties, in cases where the police were informers, would keep weak funds out of difficulties.

1555. But although it would help weak funds, do you believe that it would make them self-supporting?—That is a question entirely for an actuary, and one which no police officer could possibly solve off-hand, and few could calculate.

1556. The object would be to strengthen them as much as possible, by the application to them of these penalties; would you also strengthen the county funds by applying to them, as to boroughs, the amounts received from fees for various services?—I would not give them absolutely; I would say that upon the order of the Secretary of State, when a fund reaches its turning point, then it should be in the power of the Secretary of State to order that the fund be further supported by means of fees; we should not want it, I think.

1557. If it was necessary in some instances, and therefore had to be done by order from the Secretary of State, would it not be preferable, perhaps, to give the power in the first instance to the Secretary of State to relieve the county by passing those fines to the county as soon as the superannuation fund became absolutely solvent,

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vent, that is to say, by ordering that the money which was by that Act contributed to the superannuation fund should for the future, after the solvency of the fund was established, pass either to the borough or police rate?—I suggest that when the fund shall again become solvent, after reaching the turning point, then it should be in the power of the Secretary of State to order that the fees revert as at present to the police rate; I mention that because clearly there would be difficulty in dealing with an enormous aggregation some day in some of the funds.

1558. That is very possible, but you would be met by the power of the Secretary of State to dispense with the continuance of the application of those fees?—That is what I would recommend myself.

1559. But, as I understand, you would also recommend that this particular sum should not be passed to the fund without an order of the Secretary of State in the first instance?—To be made when it was wanted; it will never be wanted in our case, under existing regulations as to the grant of pension. If you give us the whole penalties, I do not think we should ever want the fees, but the Secretary of State should have the power to give the fees, when required, to assist the fund, that is to say, when the fund reaches its zenith and begins to go down hill.

1560. You think that a larger number of the funds of the country can wait for that at present, or would not all want it at the present moment?—We should not certainly; and I think a vast number of the funds ought to be in a position not to want it; but, of course, I have no statistics, except from my own county. I think the great bulk of the forces ought not to want it if you gave full penalties in all cases where the police were the informers.

1561. Do you think if the penalties were now carried to the police funds in counties and in boroughs, that most of the cases in which they are trenching on capital would be stopped?—If they are already trenching on capital, then your function would step in as Secretary of State to order the application of the fees, because the capital should never be trenced upon. I think that when they have begun to eat into their capital they have already reached that point at which the fees should be awarded to them.

1562. That is to say, that as soon as the receipts and disbursements became equal, then the Secretary of State should apply the fees?—Yes.

1563. Would that, in your opinion, in all instances be sufficient to check the downward course?—I cannot say whether it would, but it ought; there may be forces which may be almost like Paradise, which no man ever leaves till he is 50 or 60 years of age; but with the number of men who leave my force you would never require anything beyond that.

1564. With regard to the feeling of the men in respect to these pensions, do you think that the idea of pensions enters at all into their minds during the first years of their enlistment?—I did not think so, but I am quite convinced it does now; especially in large forces where men are thrown together in barracks, as in our district, where all have 15 or 20 young men, and two or three older ones. Living together the feeling of a few elders infects the younger men.

1565. And you believe that by altering the present state of things you would be able to

Chairman—continued.

retain men longer in the service?—Yes, I think so. I do not think that the question has any practical value to most of them; but it has a sentimental value.

1566. I suppose, as the men remain in the force it increases in practical value?—It assumes a practical value.

1567. The men have a certain amount of feeling in respect to the fund, from the knowledge that they have contributed a certain amount towards it?—Yes; I think it would be very impolitic to retain $2\frac{1}{2}$ per cent. deduction from the pay, unless you accord a claim to pension.

1568. With regard to the scale of $2\frac{1}{2}$ per cent., you do not see any reason for altering that scale, do you?—No.

1569. Or to adopt the principle that a different scale should be made for different ranks?—I think that is introducing an element of complication which is not necessary; I think simplicity is the great thing to arrive at if possible; and the result would not be worth the complication it would introduce.

1570. Is there any other point that you would wish to mention to the Committee?—There is one other point, namely, the question of gaol and asylum officers; they are in a vastly better position than policemen with regard to pension; and as I have before shown, military men are also in a much better position. The asylum superannuation scale is two-thirds of the pay, and allowances conditional upon the age of 50 being reached, and 15 years' service; and those allowances include rations, clothing, fuel, all or some in every case, so that the sums upon which the two-thirds is calculated is brought to a very much higher value than the pay of a policeman, upon which his pension is calculated, and the same with regard to gaol officers; and I would say neither of those careers is so hard as the policeman's career. You get 500 men for gaols or asylums whenever you want them, but you cannot get men into the police force for very life; therefore I say as regards the policemen, the conditions of service are harder, and the pensions are smaller.

1571. That scale, you think, bears an invidious comparison with the present scale of pensions of the men of your force?—The scale of police pensions bears an invidious comparison with that of gaol and asylum officers.

1572. Would you suggest the adoption of that scale with regard to police?—No; I do not think it would be right to the ratepayers to suggest it. I think what I have suggested ought to give satisfaction, and would be a satisfaction.

1573. You think what you have suggested would give satisfaction to the force notwithstanding the difference which you have mentioned?—The difference is not much known; there are not many gaol or asylum pensioners about the country, and the police do not know much about it, but there is, no doubt, it will not bear comparison.

1574. I think you perhaps may have heard, although it was not within your time, that there was a time when the superannuation fund in the county of Stafford was not in a very flourishing condition?—There was a scare about it when Dr. Farr's Report came out in 1866.

1575. In your own report, you told us that you were apprehensive that the fund would break down?—Yes.

1576. And now, on the other hand, you are as certain as can be that upon the present scale it will

Chairman—continued.

will remain solvent?—I think you take it rather too strongly when I say that it will remain; but Dr. Farr's calculations, which have been made by the most eminent actuary in the world, have been all falsified with regard to our particular force, and I do not see why the funds should not go on, though I can quite see the strength of Dr. Farr's argument, that it ought to have failed long ago.

1577. You say in your marginal note, that you believe the fund will remain solvent?—I do not say I believe it will; but I believe that it is quite within the bounds of possibility that it may remain solvent.

1578. The allowances made by the county are liberal, and always within a trifle of the legal maxim, are they not?—They are.

1579. Those allowances are made upon your own recommendation?—They were; I never name a sum now; I only recommend that an allowance be granted.

1580. May I ask whether you have reason to believe from what you have heard of the force, that there was a time when this fund was not in the flourishing condition, or likely to remain in the flourishing condition, that is now?—When I took charge of the force it was not; because the income from penalties was then 500 *l.*, now it is 1,500 *l.*; I cannot explain how that increase has arisen; and I had no reason to expect it.

1581. Is it partly owing to the care of the treasurer that this fund is in the condition it is now?—Quite so; I think I mentioned before that we are very exceptionally circumstanced in this way, that our pension list is drawn from a force of 250 men, whereas we have now contributing 500 men, and not one of the augmentation of some 250 men have come upon the fund yet.

Mr. Torr.

1582. What number of pensioners have you got?—Forty.

1583. In what year was your fund commenced; was it commenced concurrently with the formation of your force?—The fund began in 1843; I think the year after the establishment of the force.

1584. What proportion of the penalties do you get?—It varies a good deal; in some places we get half, and in some places we get the whole of some classes of penalties; we get half generally, in cases where the police are informers. For assaults upon the police, we get upon some benches half; upon some benches the whole; upon some benches, nothing.

1585. Would you get upon the average two-thirds of the penalties in all cases where the police are informers?—No.

1586. Would you get in all cases half?—Yes, I should think we do; but I should remark that we have got two very large-mouthed competitors in the two great stipendiary districts, and they take care to keep their moieties always for those funds which exist at the expense of the general ratepayers of the county.

1587. You spoke of the enormous aggregation of funds that there would be, providing you got the entire of the penalties where the police were informers?—No, I said and the fees; the fees are much the larger thing.

1588. Do you propose to have the whole fees?—I propose that the Secretary of State should have power when the fund has reached a certain point of decline, to order that the fees shall be 0.94.

Mr. Torr—continued.

applied in aid of the fund, and when the fund has recovered, to order that that application should cease.

1589. Uniformity would be very desirable, would it not, in all the forces of the police in the kingdom, with regard to the sources of income going towards this superannuation fund?—Yes, but I think it would be wrong to raise up an enormous fund where it is not needed.

1590. You are the first witness who has spoken of an enormous fund?—I believe that application of the fees would not be needed in our county; I cannot see why it should.

1591. But you would, to begin with, wish that all penalties, in cases where the police are informers, and fees should come to that fund until it reached a point of safety?—Yes, all penalties absolutely, and all fees, in case the funds required them. I have stated the conditions under which I think the funds would require them.

Mr. Gourley.

1592. Your force is a very changeable one, is it not?—Yes; I should think our changes average one-sixth, perhaps.

1593. Do you mean one-sixth annually?—Yes, from one-sixth to one-seventh.

1594. You would change from 40 to 50 men, or more than that?—Seventy-five men, perhaps.

1595. If your men remained with you permanently, do you think your fund would meet your existing requirements?—If they all remained, no fund in England could stand it; but I do not think that is likely to happen, because as soon as a man is known to be a good policeman, there are half a dozen manufacturing firms who will give him double the wages that I can, and take him away.

1596. But if you had a fixed system, you think the men would remain more permanently in the force than they do at present?—Yes.

1597. Thus you would have a large number of pensioners?—No doubt.

1598. And the ordinary contributions to the funds would not meet your probable requirements?—No, I think not, speaking of the penalties alone, but I think if the penalties and fees throughout England are anything like what they are in my county, those two taken together would be sufficient to meet any drain that might occur.

1599. But the existing contributions would not meet the wants of a large number of pensioners?—I should think not; probably not in my county, and certainly not throughout England.

1600. What are the class of men in your force?—They are mostly labourers.

1601. At what age do you take them?—I take them as low as 18, but very few of that age; they are from 20 to 30 mostly.

1602. The men remain with you one or two years, and then they go to seek some other employment, or go to other forces?—If men stay two years there is some hope of their staying longer, but a vast proportion of the men change within the year, or within the first few months.

1603. Do you think that the number of changes conduces to the good of the forces?—Very much the reverse.

1604. You would rather have some system by which you could keep your men with you?—Yes, I should like to have some long notice, say
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Mr. Gourley—continued.

six months, before a policeman left. It takes me more than six months to make a policeman, whereas now a man can leave after a month's notice, and they do so sometimes from very frivolous causes; a man will come in and find they have made him an apple-pie bed, or chaff him a little, and he gives a month's notice directly.

1605. How long does it take to fit a policeman for constables' work?—You may make a man fit to go on a beat, with a serjeant over him, in six months, but he would not be fit to go on an out-station by himself for some years, perhaps.

1606. Do you think you would have every probability of keeping your men in the force for a longer period if you had a fixed system?—I think it would be a great advantage.

Mr. Grantham.

1607. You were comparing the service of the police with that of warders in gaols and asylums, but you did not tell the Committee what their pay was?—The police pay is about the same as the pay of gaol warders, roughly; it varies in different counties. I am not very well able to say what it is with regard to asylums, but I think it is about the same.

1608. Do you require more educated men and a better class of men, for an asylum or gaol warder than you do for policemen?—No, rather the other way, because neither of those is ever far from a superior officer, or is required to act much upon his own independent judgment.

1609. Are their wages regulated by the county justices?—Yes.

1610. Although their pensions are by Act of Parliament?—Yes, as the police wages are, and as the police pensions are.

1611. You compared your service with that of the army?—Yes.

1612. But your men receive higher wages than the soldiers do?—Yes, very much so, but I do not know that they are better off.

1613. Therefore, is it fair that they should have as good pensions as soldiers?—Yes, I think so.

1614. Although they get higher wages their service is not so dangerous?—If you asked Mr. Glossop most probably he would tell you that it was. I think if you take the number of soldiers who have enlisted since the battle of Waterloo was fought who have suffered from wounds, and then take the number of policemen who have enlisted since the foundation of the forces, you would find it very much about the same, although

Mr. Grantham—continued.

there are not so many killed as of soldiers. The other day in Birmingham we had a man killed; not a week passes in the Black Country but what a man is almost killed; a soldier may be in the army for 20 years and never be hurt, but the policemen in the Black Country are liable to be hurt every day; certainly they would not go five years without being hurt.

1615. What are the wages of your men in Staffordshire?—22 s. 9 d. to about 26 s.

Mr. Gourley.

1616. With a fixed system of superannuation, do you think you would get men at a lower rate of wages than you do at present?—No, I do not think that would make any difference.

Mr. Cotes.

1617. You told the Committee that the number of changes was about 75 annually?—Yes, I did.

1618. Will you tell me what number out of those 75 are men who have been in the force less than one year?—No, I cannot say off-hand, but I should say, out of the 75 probably 50 were resignations; of those 50 perhaps 30 to 35 are under one year, but I did not want to load myself with too many statistical papers, so that I cannot tell you accurately.

1619. I may take it that the superannuation fund does not benefit, to a very large extent, from these annual resignations?—Yes, it benefits a great deal, because we have 500 men contributing to the fund, not more than 100 of whom will remain long enough to come upon the fund.

1620. But those 75 men do not contribute much?—They contribute during their service just as much as any other man would.

1621. How much do the men contribute each, annually?—About 1 l. 18 s.

1622. Then your superannuation fund would benefit by about 100 l. a year by those changes?—About that.

1623. Have you compared the number of resignations in your force, with the number of resignations in neighbouring forces?—I have dozens of times, and it is about the same, I think. I have not compared it with the county forces, but taking the large forces in Lancashire, Birmingham, Manchester, and the West Riding, they are more or less similarly situated.

1624. Upon that ground your superannuation fund would not have any material advantages over theirs?—I think not.

Colonel ROBERT BRUCE, called in; and Examined.

Colonel
Bruce.

Chairman.

1625. You are the Chief Constable of Lancashire, I believe?—Yes.

1626. What is the strength of your force in the county?—According to the last returns, it is 1,061; it is a few over that, but 1,061 is the basis upon which we go for all our calculations at present.

1627. Is that the complete strength of your force?—That is the complete strength of my force, including supernumeraries.

1628. Of that force, have you many men of long service?—Not very many over 15 years' service; we have only altogether 174 men; we have of 15 years' service and under 20, 92 men; 20 years and less than 25, 50 men; 25 and less

Chairman—continued.

than 30, 24 men; 30 years and upwards, eight men.

1629. Of those four last classes of men in your force, are there many of the rank of constables who have served over 15 years?—Over 15 years and less than 20, there are 42 constables; over 20 years, and less than 25, 20 constables; 25 years and under 30, two constables; and 30 years and upwards, one constable. I have the four ranks of superintendents, inspectors, serjeants, and constables, detailed, if the Committee wish it.

1630. I wished rather to get a separation between the actual constables and those of higher rank, unless the Committee would like to hear the

Chairman—continued.

the detail?—There are 65 constables out of the 174 who are over 15 years' service.

1631. Your force was established in 1839, I believe?—Yes, the end of 1839.

1632. And when was the fund established?—In January 1841.

1633. What is the number of your pensioners upon the fund?—One hundred and fifty-two, according to the annual return; that has increased by a few now.

1634. Do any of those pensioners date from the period between the establishment of the fund and the establishment of the force?—I think not; that would only be a year, really.

1635. But they have all been contributors from the beginning?—That is so.

1636. What is the amount of your fund at the present time?—£. 45,180.

1637. And what was your annual income during the last year?—£. 6,745.

1638. Can you give the Committee the proportions of that which represent the contributions of the men, and the proportions which arise from penalties?—The contributions from the men amount to 1,763 *l*.

1639. Those are contributions from the percentages and stoppages, I suppose?—Yes, stoppages for misconduct.

1640. Does that include the sale of cast-off clothing?—No.

1641. There is a small amount arising from that source, is there not?—The sale of old clothing last year amounted to 254 *l*.

1642. And what amount arose last year from penalties under the different Acts?—The penalties awarded by magistrates amounted to 2,670 *l*.

1643. Of course, in your county, the service of summonses and the execution of warrants, do not bring you any benefit?—No; but the rates received, 4,236 *l*., under that head.

1644. What were your disbursements as against the fund for the same period?—They almost, I am sorry to say, balanced the receipts, 6,639 *l* against 6,745 *l*.

1645. What was the contribution of the men in Lancashire?—The contribution from the men was 2 per cent.

1646. That was under the maximum then?—We have never come up to the $2\frac{1}{2}$ per cent., and we only came to the 2 per cent. about three years ago; we have therefore a reserve of $\frac{1}{2}$ per cent., which would bring us something nearly 600 *l*. a year more.

1647. Has it been long that your disbursements have equalled, or nearly equalled, your receipts, or has there been a steady downward progress?—I have got the accounts for 14 years of our total income and total expenditure. In 1860 our income was 3,169 *l*. and our expenditure then was only 743 *l*.; it has gradually worked up to what it is at present.

1648. You have been receiving not a high rate of per-centage, as I understand?—Until about three years ago we had only about $1\frac{1}{2}$ per cent. deduction from the pay.

1649. Have your penalties been placed to the credit of the fund tolerably evenly throughout those years?—The same penalties ought to have been, but no doubt during later years they have been more looked after than formerly.

1650. I suppose you do not consider your fund, in consequence, is in a satisfactory position?—It is in a most unsatisfactory position.

0.94.

Chairman—continued.

1651. Can you suggest any means by which you think the fund in your county could be made self-supporting, or could be brought into that condition in which it would meet its pensions?—I have a very strong opinion about that, that the great requirement is that there should be some law not to touch the capital, that the integrity of the capital in the first place should be confirmed.

1652. You say there should be a law not to touch the capital, but can you suggest a method by which the capital should arrive at such a sum that with the annual income it would meet any strain that might come upon it from pensions?—Yes, I would recommend what others have recommended, I should recommend in the first place that we should receive all the fees for the service of summonses and execution of warrants, the same as in boroughs, that would be the largest item; and I would also recommend not that we should receive the whole of the penalties in cases in which the police were informers, but that we should receive the whole of the penalties in all cases of drunkenness.

1653. Can you state the amount that has been earned by the police during the last year for the service of summonses and execution of warrants, showing what sum that would add?—About 4,200 *l*. has been credited to the county rate upon that account.

1654. Instead of half penalties permissively applied by the magistrates at present, you would make the whole of the penalties in cases of drunkenness go to the fund absolutely?—Yes; the only objection I have heard to that is that the police would press for convictions, but the answer to that is that if they would press for convictions for the whole, they would press for the moiety.

1655. You do not think the permissive power checks that tendency, and that if it were made absolute, a tendency upon the part of the police to press for convictions would arise?—I do not think so.

1656. You would not extend the power to apply the full penalties in cases under which the police act as informers?—No, I think that would be very much objected to.

1657. Would you leave that to the discretion of the magistrates?—Yes.

1658. And the magistrates might, if they pleased, allot the moieties to the fund?—Yes.

1659. But that would leave great uncertainty in that case attaching to your resources, would it not?—I think the great proportion of our income under that head would be in cases of drunkenness; we receive now the whole penalty in cases of assaults upon the police, and that I would leave untouched.

1660. You would leave the law unaltered, except with regard to the matter of the fines upon drunkenness, and the service of summonses, and the execution of warrants?—Yes; and I would also say that I do not see why the police should not have the fees for pedlars' certificates; in the original Act that was never apportioned in any way, and it now goes to the county rate.

1661. With those contributions you have suggested, do you think that your capital fund would be so increased as to come up to that which I have suggested as necessary, and that it would be, with the income, self-supporting?—I think it would. I do not think we can say positively, because we have so many contingencies to consider. In the first place, we watch so many boroughs

Colonel
Bruce.

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Chairman—continued.

roughs which might have their own police; those boroughs are large centres of population, and they might to-morrow take their own police, and give us notice to quit. Those places have been incorporated as boroughs, and we still continue to watch them, because no change has ever been made; but they might at any time, I imagine, give us notice. I suppose they would give us six months' notice.

1662. The tendency of that would be to diminish your force of men?—The tendency would be to diminish our force, but it would diminish the amount of penalties very much more in proportion.

1663. It would also diminish the claim upon the pension list, would it not?—Yes; but we get so much more from the towns than from the country districts, that our capital would suffer severely from that change.

1664. Would you agree with the last witness in thinking that it would be desirable to give a discretionary power to the Secretary of State in regard to those penalties?—When the fund became partially insolvent it should be supplemented by the rates; during the time of its partial insolvency the contributions, say, forming a quarter of our present income, should be capitalised, otherwise we should always be in a state of being supplemented by the rates; and the only objection I can see to that is, that some one might say, in course of time you will not only become solvent, but you will become a monster fund; when this is apparent then, by the sanction of the Secretary of State, let the penalties or other sources of income, except contributions, revert to the rates until again required.

1665. Upon the application of the local authority showing that the fund was in a position to support its pension list, powers should be taken to pass those penalties from the superannuation fund to the local rate; would you agree with that view?—Yes; but I think as the most important part of the whole, that the capital should never be touched. I say that if that plan was adopted the rates of the borough, or of the county, would never appreciably feel the strain upon them. In our fund we have always got the interest upon 45,000 £., and, with that large income, and the other sources of income, the rates would be hardly touched.

1666. How is your capital invested at the present moment?—It is chiefly lent.

1667. Is it lent to the local authorities?—Yes, at $4\frac{1}{2}$ per cent. I think originally we used to get 5 per cent. for it, but there has been a deduction made lately, and we lend the money now at only $4\frac{1}{2}$ per cent.

1668. You have none of the money invested in the 3 per Cents. as some counties have?—I could not say that there was none of it invested in the 3 per Cents., but the principal part of it is in loans at $4\frac{1}{2}$ per cent.; loans for building police stations, and so on.

1669. All your pensions are granted on the existing scales, but are they granted upon a liberal scale by the magistrates?—I have always as chief constable recommended the pensions, and I have had no objection made to my recommendation.

1670. Do you know of no objection on the part of the men to the way in which the pensions are allotted?—No, I think the men are perfectly satisfied.

Chairman—continued.

1671. Do you think that any feeling exists in your force that a change in the system would be preferable to the existing one?—I think a very strong feeling exists that there should be a time when men should claim their pensions irrespective of incapacity.

1672. Do you think that in your force, as in other forces, there is a strong feeling upon the part of the men that there should be a fixed time at which a man should be entitled to claim his pension?—I think there is a very strong feeling upon that point in all counties and boroughs.

1673. Do you think that fixing the time would tend to increase the efficiency of the force?—Yes; I do not think it would tend to bring in any more candidates at first. I think no superannuation fund does that; the only thing recruits look at is what will be the duty and what will be the pay, but I think after a man has come in and finds he has a claim upon the superannuation fund it is a very great element in holding him.

1674. After having contributed a certain amount himself upon his pay, he begins to realise his claim upon the fund and looks to it as the history of his future?—Quite so.

1675. And do you believe that the alteration which has been suggested, and which you endorse, would tend to increase that feeling?—Yes, very much so.

1676. And make it more likely that he should continue in your force, in the hope of getting this pension at the end of the term of service?—Yes, but I should not recommend quite the same term as I have heard recommended.

1677. What term should you suggest to the Committee as being desirable?—My own idea of it is, that if a man has a claim to pension at the end of 25 years' service he is well off, considering that he has always got under the old Act a pension for incapability after 15 and 20 years.

1678. That is to say, you would allow a man to take a pension under the existing Act under medical certificate for a short period of service, but that he should have a direct right to claim his retirement after 25 years' service?—Yes, I would say that the present Act for all men incapable is perfectly satisfactory, with one exception, that it should not be permissive but compulsory.

1679. That it should be according to a scale?—Yes, but I would suggest that in that scale there should be a minimum slightly differing from the maximum, so that I as chief constable, or any other chief constable, might recommend a man for pension somewhat according to the quality of his service, *i.e.*, whether he was a man who had served with great zeal or otherwise.

1680. In fact you think there should be a discretion in the magistrates to that extent?—Yes.

1681. Would you extend that to his claim to pension at the end of 25 years?—I would extend that to his claim to pension, otherwise there would be no inducement to a man to show zeal in the service. A man, after he had served 20 years, and not perhaps eligible for further promotion, would not be encouraged to show zeal in his duty, unless he had some slight inducement in the way of difference of pension; I think the amount of his pension should be a little guided by the zeal he showed.

1682. If you fixed this scale, what would you suggest as the pension he might claim at 25 years' service?—I would recommend that a man after 25 years'

Chairman—continued.

25 years' service, and under 50 years of age, should receive half, and that after 50 he should receive two-thirds, with the minimum also fixed as I have proposed.

1683. Which minimum should be at the discretion of the magistrates?—Yes, it should be left to the magistrates.

1684. Do you think in making that recommendation that you are expressing the feelings of the men themselves upon that point?—I hope so, but at the same time I cannot say, as I have never consulted the force in any lower grades than the superintendents.

1685. Do you think if such a scale were laid down, that a man who was below 50 years of age, and therefore probably an active and efficient officer, still would continue in the force after his 25 years' service, when he had a right to retire?—I think that also should be a matter of arrangement between both parties. I think that at the end of 25 years' service, the magistrates, or the chief constable, should have the power of pensioning a man if they thought it desirable, and at the same time they should have the power of keeping him if he liked to remain.

1686. As I understand, you suggest that after 25 years' service a man under 50 years of age might retire at his own option, and claim a pension, which would be a pension varying between your minimum and your maximum of one-half; you would not keep him if he wanted to go?—No.

1687. I wished to know whether you thought there should not be some higher rate for a longer period of service, so as to induce a man to continue in the force?—No, I do not think so. I think, with regard to a man after 25 years' service, there is no object, as a rule, in keeping him; if he remains in the force he does so at his own wish, and I do not think he is entitled to further pension; he is getting full pay as long as he remains, and I would never recommend a pension of more than two-thirds.

1688. The inducement for a man who had entered the force young, after 25 years' service, would be to remain until he was over 50 to get a pension of two-thirds?—Yes; and after 50 years the only inducement to remain would be that he would be upon full pay, rather than go into some new position of life.

1689. And you think the adoption of that plan would retain efficient men in the force?—Yes, I think so.

1690. Do you think that men shifting ought to carry their years of service with them into other forces; I believe the officers generally are anxious that the present law with regard to their past services should be altered, and that instead of the half service which they are now entitled to carry to another force on promotion after seven years' service, they should be allowed to carry the whole period of their service?—I think that if a man once leaves the police force of his own accord, he should lose all his service, unless allowed to rejoin the force he left, and within (say) six months.

1691. But I mean with regard to his changing into another force; what rule would you apply there?—If a man changes into another force, he must do so with the sanction of the chief constables of both those forces; I do not know about his pension; I think he should carry his service with him if it can be arranged; I think

0.94.

Chairman—continued.

he should get all the benefit of his service; if he is promoted from Lancashire and goes to a borough at my recommendation, and with the sanction of the chief constable of the borough force, he ought to get the full benefit of his service.

1692. You think that when he changes for the public good he ought to carry the whole length of his service?—Yes, I do not see how the pension question in that case is to be met; I should not recommend that the man should receive any pension from any county or other force while he is serving actively in another; I do not think a man should receive any superannuation allowance in such a case.

1693. Would you make the county to which a man was transferred responsible for the years of pension which he ultimately might claim?—I think so; but I have not mastered the difficulty of the question.

1694. As I understand, the complaint of a man is that he is promoted for the public good, from one force to another, and that when he gets into that other force he loses the years he could claim for pension which he had served in the previous force, or, at least, can only carry half the years with him?—I would say that if a man is promoted from one force to another he should claim all the benefits of his service, however it can be best arranged.

1695. As long as it was with the consent of the chief constables, upon promotion for the public good?—Yes, which I say it must be; if a man is promoted from one force to another, it must be with the consent of the respective chief officers.

1696. Are there any other points upon which you think the force feels strongly?—I think I have stated nearly everything that I wished to bring before the Committee; I think the whole force would be quite satisfied with the present Act, as far as incapacitated men go, if there was a minimum as well as a maximum, and that I say more for forces differently circumstanced from our own force; we never had a difficulty in our own force in obtaining very nearly the maximum; at any rate whatever was recommended by the chief constable.

1697. What is the rate of wage in your force? We begin at 3*s.* 5*d.* a day.

1698. That is a high rate of wage, is it not?—A constable on appointment receives 3*s.* 5*d.* a day; when he is appointed to the second class he receives 3*s.* 7*d.*, and the first class 3*s.* 9*d.*; a man is generally promoted to the first class within a year of his joining, or soon after.

1699. That promotion is by merit, of course?—Yes, that promotion is by merit.

1700. He has no claim to promotion?—No, it depends entirely upon his intelligence and conduct; after five years' service he receives 3*s.* 11*d.* a day, and after nine years' service 4*s.*

1701. Have you any method of supplementing that by good conduct rewards?—There is an allowance of 2*d.* a day for merit.

1702. Is that for the different classes, or is it for the higher classes?—That applies to constables and serjeants only; there is a limit to the number, but we have never come up to the limit yet.

1703. Have you found any difficulty in enlisting your men at the rate of wage which at present exists in the force?—I have found very great difficulty, and the great difficulty we have

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Chairman—continued.

to contend with is that the large boroughs in and near our county, when we have got up to a certain rate of wage, go up a little higher; at present we are in that position that the two large boroughs in our county are raising their rate of wage.

1704. Do you think that establishing a superannuation fund on the system you have sketched out would in any way tend to assist in obtaining men, and retaining men?—Not much in obtaining, but very much in retaining them.

1705. It is principally applicable, as you have stated, after a certain amount of service?—I think the pay and the amount of duty is the great thing that candidates consider.

1706. Do you find that the officers of your force at present assist you in recruiting men?—We get very few recruits from our own county.

1707. But what I meant was that, supposing a superannuation fund was established upon a basis with which the men were satisfied, it has been stated to us that the officers of the force themselves would be the best recruiting sergeants; that at present they do not sing the praises of the force to any great extent, but that they would hold this out as an inducement to join if a fixed principle were adopted?—It would be a general help; but I do not think it would make much difference. I think that our officers do all they can at present to get recruits; but in our county the wages in other branches are so good that we do not get many recruits from our own county; we have many from Scotland, and some from Ireland.

1708. Can you give the Committee any proportion of the number who have changed in your force?—I should say that the proportion ranges from 150 to 200 men who have left in each year during the last few years.

1709. Are those men principally recruits of the previous year, who come into the force and go out, not liking it?—I think they are chiefly from a few months to three years' standing.

1710. Most of them under five years' standing?—Almost all of them.

Colonel Dyott.

1711. In such a county as Lancashire, you have some places where it is much pleasanter for the men to be stationed than others?—There is more knocking about in some places than others.

1712. Do you find any difficulty in men complaining that they are put into arduous and difficult posts, and that others are placed in the more pleasant posts?—I find some places which work like a sieve; if men are sent there I cannot keep them there.

1713. Do you think men are deserving of a little more pay in a place where they are likely to get their heads broken?—Yes, I think they are; but I do not see how you could manage it.

1714. Could you give any scale with reference to that?—No; the only way in which it could be worked would be to centralise the forces, and move them as they were deserving; we have that advantage, that we have a large county, and the more it is extended the better.

Mr. Gourley.

1715. Would you put the force of the county under one central authority?—I should like it to go further than that.

Mr. Torr.

1716. Nearly all, or all the forces give contri-

Mr. Torr—continued.

butions of 2½ per cent.; would not your force give 2½ per cent.?—I think that if there is any law made for giving us anything more we should put the men upon their full contribution.

1717. To aid your fund?—It would increase it by about 600 l. a year.

1718. When you say that when a fund had got to its maximum, by which I presume you mean if it were considered to be solvent, it should not be touched; to what amount would you wish to see it increased to place it in a satisfactory position; you have now 45,000 l.?—Only when its income is perfectly able to meet its requirements.

1719. But that is a question for an actuary, is it not?—No; we know what our requirements are each year, and I should say when the income from the capital is sufficient; indeed it should go rather beyond that.

1720. Do you think your present funded capital of 45,000 l. is sufficiently large for a force of 1,000 men?—Certainly not.

1721. What amount would you suggest this fund being raised to?—I have recommended that the fees for services and the remaining moieties on drunkenness and pedlars' fees should be added to the fund; I think that that would raise the fund sufficiently, and I believe that would produce an income of about double what we are getting now.

1722. You have not in your mind what I might call a fixed capital investment sum?—No; I think we are always an increasing force, and I think we should always require an increasing capital.

1723. What sum per head for your men do you think should be capitalised as a permanent fund, which you say should not be touched?—I could not say at all, because there are so many other sources of income, besides the interest of the capital, which are always fluctuating, and especially fluctuating in a large force like ours.

1724. That is what the Committee would like to arrive at, to see that the fixed capital from which you derive your income was not subject to fluctuations; therefore we should like to know what sum per head would be a safe sum to have capitalised, while you would have to depend for the remainder of your income upon these fluctuating sources of income; when you say that the capital should not be touched, you must have some idea what that capital should be; should it be a funded capital or a fluctuating capital?—It can only fluctuate one way if you do not touch it, and that is to increase; as soon as it increases so that we are getting an income very much exceeding our outgoings, then I think is the time when the sanction of the Secretary of State should be asked to divert some of the income to the county rates.

1725. At present you have two or three sources of income; you have your income from your funded capital of 45,000 l. and your income from the penalties, and so on; you have not thought it out in your mind, so as to be able to say what proportion your fixed capital should bear to your unfixed capital?—I have not.

Colonel Dyott.

1726. Why did you not get this other half per cent. upon the men's stoppages, instead of only stopping them 2 per cent.?—As I have stated, when I first came to the force we only stopped 1½ per cent., but we went up the other quarter, and there has been always a feeling against going any

Colonel Dyott—continued.

any further, but my own opinion is that we should go to the maximum.

1727. I suppose you would recommend that other things which would otherwise go to the rates should go to the superannuation fund?—Yes, those I have named.

Mr. Torr.

1728. With whom does the raising of the contribution rest?—With the magistrates in general session in Lancashire, and with the magistrates of quarter sessions in other counties.

1729. Your pay is for seven days a week?—Yes; we begin at 23*s.* 11*d.*

Mr. Gourley.

1730. Do you have many changes in your force?—Yes, a great many; I cannot say from recollection what number the changes are, but I should think fluctuating from 150 to 250 a year.

1731. How many men are there altogether in the force?—1,060 odd.

1732. You have not made a calculation what sum of money would be required to be capitalised to make a solvent fund?—I could not say that; it is impossible to say how many pensioners we may have at the end of 10 or 20 years. I wanted some time ago to have an actuary to give an opinion upon the subject, but I could not get it.

Mr. Torr.

1733. You feel a necessity for the calculation being made?—No, I think not, except for the gratification of the public generally as to the result. I think, myself, the great thing is to give the fund what we have asked and to secure the capital.

1734. Do you believe that the condition of your fund is fairly satisfactory to your men?—The pensions they receive now are satisfactory to the men.

1735. But have they any idea of their fund falling short?—I think the force must know that we are in an unsatisfactory state at present, but I think they have confidence in the authorities that they will never have their pensions reduced in Lancashire.

Chairman.

1736. With regard to the question of the actuary, I suppose the first thing to be arrived at in fixing the sum of capital you want would be to find out the maximum number of pensioners who might at any time fall upon your fund?—Yes.

1737. Then when that was decided, you could fix the amount of capital of which the annual income would be sufficient to meet that number of pensions?—Yes.

1738. Immediately following that, you would allow the Secretary of State to pass the surplus of such receipt and income to the general funds of the county?—Yes.

1739. There is another question with regard to those pensions which I wish to ask you; would

Mr. JOHN JACKSON, was called in; and Examined.

Chairman.

1751. You are the Head Constable of Sheffield, I believe?—I am.

1752. What is the strength of your force?—Three hundred men.

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Chairman—continued.

you grant a pension to a man in the rank he held at the moment he had completed his 25 years' service?—No, I should make him serve in each rank a certain time; I should make him serve as a sergeant, say three years; as an inspector, say five years; and as a superintendent, seven years, or something like that.

1740. But you would have a graduated scale of the service which he must complete in any grade before he could claim his pension in that grade?—Yes, but that he must always be at liberty to claim the pension of the next lower grade.

1741. But having served the number of years in that rank, he would be at liberty to claim the pension of that rank?—Yes, otherwise I think there would be a great deal of difficulty in promoting a man when he came near his 25 years' service.

1742. Do not you think that there would be a danger of promoting a man when he was not fit for work, in order that he might get the advantage of pension?—But I should suggest to the chief constable that the man should claim his discharge, or that he should be called upon to retire if he was not fit for service.

1743. Is there anything else which you would wish to state to the Committee?—Yes, with regard to gratuities; I should strongly recommend that the gratuities which are now granted to widows should go to orphan children.

1744. That is a very usual feeling in the force, is it not?—It is so.

1745. The gratuity could only go to children under a certain age, I presume?—I should have said 16 years of age, or from circumstances unable to support themselves.

1746. That, in case there was no widow, the children under 16 years of age should take as the widow?—Yes, that is what is desired. There is also another matter which occurs to me. I have not heard the question asked whether a man should have a claim at any period of his service to superannuation allowance upon being dismissed for misconduct, which is a question very much mooted amongst the men.

1747. What is your feeling with regard to that question; do you think that a constable who has arrived at his 25 years' service, and has misconducted himself during the last few months, so that he gets his dismissal, should be entitled to any pension at all?—I should say decidedly not.

1748. That the pension hinges upon the service being a service of good conduct?—Yes, but at the same time I am bound to say there is a strong feeling that men should have some claim after having subscribed, say for 15 years.

Mr. Cotes.

1749. But the fact of a man having served a long time would weigh in the mind of a chief constable before he dismissed the man, would it not?—Certainly it would.

1750. And a man of long service would be entitled and would receive that consideration?—Yes.

Chairman—continued.

1753. Are there many of those 300 men who have served long in the force?—I will give you the particulars; 5 years' service and under 15 years, 93 men; 15 years' service and under 20 years,

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years,

Colonel Bruce.

7 May 1875.

Mr. Jackson.

Mr.
Jackson.
7 May 1875.

Chairman—continued.

years, 27 men; 20 years and under 25, 11 men; 25 years and under 30, three men; there are none above that.

1754. Of those, is there any large proportion of constables in active service?—Yes, a tolerably large proportion, not an undue proportion.

1755. But there are a number of men who have had a length of service of over 15 years or 20 years, who are at present in the rank of constable?—Yes.

1756. Your force was established in 1844, I believe?—It was organised in the latter part of 1843, or the beginning of 1844.

1757. I believe the fund was not established at that time?—No; the deductions were made from the pay of the men from and after the 29th of September 1859.

1758. Have you many pensioners upon the fund?—We have 19.

1759. Of those pensioners, are any of them taking their pensions from a period of service before the establishment of the fund?—Yes, they were permitted to count one-half of their service prior to the establishment of the fund.

1760. Although, of course, they had not been contributors during that time to the fund?—Precisely so.

1761. What is the amount of your fund at present?—The amount up to yesterday was 42,551 *l.* 12 *s.* 7 *d.*

1762. Can you give the Committee the receipts during the last year?—Yes, and I can give the receipts under the various headings since the establishment of the fund; the deductions from the pay of officers and constables amounted to 3,898 *l.* - *s.* 9 *d.*

1763. Will you state to the Committee what rate of contribution is taken from the men's pay?—From 1859 to 1871 the contribution was at the rate of 2½ per cent.; it was believed in 1871 that the fund had become so strong that the watch committee might fairly reduce the amount of contribution, and it was reduced to 1½ per cent.

1764. At which it stands now?—Yes.

1765. Have you separated at all the amount of the total that you gave, which was received under the 2½ per cent. rate, and the amount you received under 1½ per cent.?—No; the stoppages during sickness amounted to 641 *l.* 5 *s.* 5 *d.*; that was discontinued in 1871; it had previously been the practice during the sickness of constables to stop from their wages a shilling a day; the fines imposed upon constables for misconduct amounted to 246 *l.* 1 *s.* 5 *d.*

1766. That is for the whole period, since the year 1859?—Yes; the fines upon persons for assaulting constables, in the execution of their duty, amounted to 858 *l.* 19 *s.*; but I may mention that we now receive no portion of the fines imposed upon persons for assaulting constables.

1767. Are those fines paid to the borough?—No; Sheffield not having a separate Court of Quarter Sessions, the fines are paid to the West Riding Treasurer.

1768. To the county police rate?—Yes; the moieties of fines and penalties awarded to informers, being police constables, amounted to 1,227 *l.* 6 *s.* 6 *d.*; moneys arising from the sale of worn or cast-off clothing, 388 *l.* 10 *s.*; fees payable to constables for serving summonses and execution warrants, 32,258 *l.* 9 *s.* 6 *d.*; interest on loans, 8,247 *l.* 10 *s.* 3 *d.*

1769. I now go to the point of interest; can

Chairman—continued.

you tell the Committee in what form your capital is invested; whether it is lent to the borough, or invested in the Three per Cents. or otherwise?

—The money is lent to the borough at 2½ per cent.; the fund was believed to be so strong that this money might be lent for public purposes; building free libraries, and so on, at 2½ per cent.

1770. And your annual receipts are how much?—Our annual receipts are less than they were, but the total receipts for the 15 years amounted to 48,511 *l.* 8 *s.*, from which the payments have been, gratuities to the widows of constables who have died in the service, 1,588 *l.* 14 *s.*; gratuities to constables who have become incapacitated, having served less than 15 years, 917 *l.* 10 *s.*; pensions, 3,127 *l.* 1 *s.* 7 *d.*; printing, stationery, and so forth, 212 *l.* 13 *s.*; bank commission, 113 *l.* 16 *s.* 7 *d.*, making the payments 5,959 *l.* 15 *s.* 5 *d.*, and leaving a balance, which I have already given, of 42,551 *l.* 12 *s.* 7 *d.*

1771. That is your capital account?—Yes.

1772. Can you give the Committee an account of your income during the past year?—The receipts during the year ending the 29th September 1874, were 2,189 *l.* 1 *s.* 4 *d.*

1773. What were your disbursements during that period?—The disbursements were 1,177 *l.* 11 *s.* 2 *d.*

1774. So that even now, after the reduction of your rate of contribution, and after those different penalties have been transferred from your fund to other sources, your income is very largely in excess of your expenditure?—It is.

1775. Can you give the amount for the service of summonses last year?—The fees paid amounted to 664 *l.* 4 *s.* 3 *d.*

1776. Did not that represent the total amount which was earned by the police?—No; that is exclusive of the money received for serving summonses for non-payment of local rates.

1777. So that the aggregate of your fund has been diminished very largely in the last few years?—Yes.

1778. And diminished in consequence of the fund being so very flourishing that it was found not to be required?—Quite so.

1779. Can you give the Committee any reason for the position of your fund as compared with that of funds in other places?—The committee at Sheffield have carried out the provisions of the Act of Parliament in an exceedingly liberal spirit.

1780. With regard to pensions, have they evinced a liberal spirit?—Yes, they have been liberal in every way. They have conceded to the fund all the fees Parliament intended should be paid to it, and they have given in all cases where a maximum is fixed in the Act of Parliament the maximum gratuity or pension. With regard to the widows of constables, there is no instance in which they have given less than a year's pay.

1781. And with regard to the penalties under the different Acts, where the police are informers, have the magistrates applied those penalties to the superannuation fund?—Yes, where they could; but the Local Government Act is adopted in Sheffield, and under that Act all the informations laid by the police for obstructions and annoyances, &c. in the streets, and for which penalties considerable in the aggregate are inflicted, go to the borough.

1782. They do not go to the superannuation fund?—They do not go to the superannuation fund.

1783. Can

Chairman—continued.

1783. Can you give the Committee any reason why a force of so large a number of men as 300, with penalties not applied to the superannuation fund, and with many of the resources which are applied in other cases not applied in your instance, should be in such a flourishing condition?—Because the watch committee directed all fees for the service of summons to be paid into the fund, and they amount since the fund was established to the large sum of 32,258 *l*.

1784. Which has become capital producing interest, which has gradually accumulated?—Yes.

1785. Is your force a very changeable force?—Yes, about one-sixth of the men change in the course of a year.

1786. That is to say, that you lose about 50 men every year?—From 50 to 55.

1787. Are you satisfied with the existing scale of pensions with regard to your force?—I am satisfied with the existing provisions with regard to men who have become incapacitated either mentally or bodily, but there is a very strong feeling in the force that there should be a pension for service irrespective of age or of mental or bodily infirmity.

1788. You, from your own experience, endorse that opinion from the point of efficiency in the force?—I do.

1789. You think that the complaint of the men upon that point, with reference to the uncertain element in their pensions, is a just one?—I do; and there are a few words at the latter end of Clause 9, which although they never have had any prejudicial operation on the men in Sheffield, still when men are tendering their resignations after a short period of service, and I find they are going to another situation, probably at a couple of shillings or one and sixpence per week more, when I point out the advantages which would accrue to them from the superannuation fund if they remained in the service, they remind me of these, namely, "but nothing herein contained shall be construed to entitle any constable absolutely to any superannuation allowance, or to prevent his being dismissed without superannuation allowance."

1790. Is that felt to be a grievance in the force?—Yes; amongst the elder men who have had more experience of the way in which the funds have been administered, the feeling is not so strong, but by the younger men I am frequently reminded of it when seeking to induce them to remain, or to keep them from going to other employments.

1791. Have you considered at what period a man should be entitled to claim a pension?—I think a constable should be entitled to claim after 25 years' service even if under 50 years of age.

1792. Would you agree with the last witness, Colonel Bruce, in what he said upon that point?—So far as I heard what he said, I agree with Colonel Bruce.

1793. You think when a man is under 50, and has served 25 years, he should be entitled to pension?—I think when a man has served 25 years he should be entitled to a pension of half his pay, and two-thirds of his pay when he was over 50 years of age.

1794. You think that would be an inducement to a young man in the force, and probably an active member of the force, to continue until he was 50 years of age, in order to get the higher rate of pension?—Yes; and I think if a man was 0.94.

Chairman—continued.

fit for further service, in order still to receive his full pay, he would continue in the force.

1795. Would you grant a man a pension on length of service in the rank in which he was then, or would you agree with Colonel Bruce that a man ought to have served a certain period in the rank before claiming the pension of that rank?—I do not agree with Colonel Bruce with regard to that. I would give a man the scale of pay he was receiving; that is what the watch committee of Sheffield have always done with the men they have hitherto pensioned.

1796. That is to say, if a man had been 24 years in a certain rank, and had risen in the last year into the next higher rank, when he claimed his retiring pension of two-thirds, if he was over 50 years of age, or of 25 years' service, you would let him take a pension calculated on the scale of pay of the last year's service?—I would; but I would add this further observation, that a man who had served 25 years, and has only in the last year of his service gone up one step, would be a very exceptional one.

1797. But such cases might arise?—Yes; but in that case, seeing that he was just promoted, the man must be in possession of all his faculties, and fit for further service.

1798. My reason for asking you these questions is, that several officers have suggested that as much as 10 years should be served in a rank before pension upon the pay of that rank should be given him; you would not agree with that suggestion?—I do not agree with that.

1799. What rate of wage do you give in the Sheffield force?—The men join at 23 *s.*, and receive 24 *s.* after six weeks' service, after having been drilled and instructed, and they are advanced for service and good conduct up to 28 *s.* 8 *d.* as constables.

1800. Does that bear a fair scale of proportion to the wage given generally in the town?—Yes, I think so; but a great deal of the work in Sheffield is done by the piece, and it is difficult to ascertain what the earnings may be. An industrious man may earn more, whereas an idle one who loiters away his time may not earn so much; but wages, generally, are high in Sheffield.

1801. Have you found any difficulty in recruiting men for your force?—Yes, considerable difficulty. I get no recruits from Sheffield.

1802. Do you get your recruits from other districts?—Yes; I do not mean to say they come direct; they come from the service, perhaps, of a railway company, or firm of railway carriers, and others, and after residing in the town for some time they leave, and come to us.

1803. You do not lose men in consequence of the competition of other employments?—We lose men in this way, that when they have been drilled and smartened up, there is a great demand for them as porters, time-keepers, and so on.

1804. Do you think the pension enters at all into the calculation of the men when they first become policemen?—I do not think it does when they first join. I think a man compares the advantages we have to offer him with the position in which he has been previously, but when he has been a short time in the force it most assuredly does.

1805. After what period would you say?—After two or three years' service.

1806. It becomes an inducement to remain in

Mr.
Jackson.
7 May 1876.

Mr.
Jackson.

7 May 1875.

Chairman—continued.

in the force?—Yes, few men leave after that; the bulk of the changes take place earlier.

1807. You mean that the bulk of the changes which take place arise in men under three years' service?—Quite so.

1808. Your present number of pensioners is not a very large one for the number of the force?—No, it is not.

1809. You stated that a good many of your men changed early, and that the bulk of the men above three years' service mostly continued in your force?—Yes.

1810. It struck me that the number of men upon your pension list ought to be larger than it is?—Quite so; there are men getting up now who will be entitled to pensions before very long.

1811. Under the scale you have suggested do you think that any large number would be suddenly thrown upon the fund?—No, not suddenly.

1812. You stated that there were as many as 14 officers of police in your force who were of over 20 years' service?—Yes.

1813. I suppose a certain number of those would be entitled at once upon the establishment of that scale to claim pension?—They would no doubt.

1814. They would come at once upon the pension list, would they not?—No, I do not think they would come upon the pension list at once; I think they would remain where they are at the scale of full pay.

1815. You think they would not retire from the force?—I think those who are healthy and of good constitution would remain where they are rather than retire.

1816. Is there any other point which you would wish to urge upon the Committee?—Probably it is useless to urge, as it has been stated, that the feeling is general, but there is a very strong feeling in the Sheffield force that the children of a man who dies in the service should be entitled to a gratuity, but I would go a little further than I understood Colonel Bruce to go; I think if a man dies and has children of any age they should be entitled to a gratuity.

1817. You would place no restriction in reference to their age, but you would allow them to benefit as a widow would benefit?—Yes; it seems an anomaly that if a wife dies a week before her husband, and has children, they would get nothing, whereas if she were alive at the time of his death and died immediately afterwards, they would be entitled to a year's pay.

1818. With regard to carrying service from one force to another, what do you say to that?—I think that a man to carry any service should have been at least seven years in the force he was leaving.

1819. And carry half service then?—No; I see no reason why he should not count his full service in the force to which he is going.

1820. You would alter the present Act to that extent?—I would.

1821. Upon promotion for the public good you would allow a man to take, not as at present, his half service, but his full service with him?—Quite so; that has not been my own experience; the first four years of my service I sacrificed, and I was 10 years in Oldham, and lost half of that, and carried half into Sheffield, where I have been nearly 17 years.

Chairman—continued.

1822. Is there any other point which you would wish to mention to the Committee?—There is a very strong feeling amongst police officers that wherever the maximum amount of either pension or gratuity is fixed there should be a minimum also. At present it is stated in the Act that any person incapacitated may receive a sum not exceeding certain proportions.

1823. That is to say that the scale which should be laid down should be a scale carrying the discretion of the magistrates, merely as between two points?—Certainly; there might be considerable difference of opinion as to what that should be.

1824. But what they ask is that there should be some fixed scale upon which they could calculate?—Yes; and I will tell you what I have frequently heard fixed, and that is that where a person was entitled to two-thirds, the minimum should not be less than one-half, and that where the maximum was one-half the minimum should not be less than three-eighths.

Colonel Dyott.

1825. With regard to the present distribution of gratuities, is there any reason to suppose that if the chief constable of the borough recommended a gratuity to be given to the children, as they would to a widow, it would not be granted?—There is no power under the Act to do so, or it would have been done over and over again in Sheffield.

Mr. Torr.

1826. Your fund appears to have been founded 15 years after your force?—Yes, it was.

1827. Was there any special amount placed to the credit of your fund from the watch committee?—No, they had no funds at their disposal for that purpose.

1828. Are any of your pensioners men who were members of the force before the fund was established, or just after it was established?—Yes, some of them were members of the force before the fund was established.

1829. And, consequently, they have contributed a very small amount to the fund?—Yes; but although that is so, we have one or two men who are now becoming old having been in the force before the fund was established, and I think they should be entitled to retire at 60, at two-thirds of their pay, although they could not quite count 20 years' service, by reason of their having been only allowed to count one-half of their service prior to the establishment of the fund.

1830. Is 20 years' service the earliest limit at which a man can claim a pension?—No, 15 years, but he must either be certified to be unfit for further service by reason of infirmity, or he must be 60 years of age.

1831. At what age can a man become a pensioner, supposing he is in full health and vigour?—Sixty years.

1832. However long or short he had been in the force?—If he joined the force at 20, he would have to be 60 before he could claim a pension.

1833. Or if he joined at 40?—But we should not take him into our force at 40.

1834. You allow no pension to an able-bodied man under 60 years of age, that is one great secret of your success?—Quite so.

Tuesday, 11th May 1875.

MEMBERS PRESENT :

Mr. Biddulph.
Mr. Fairfax Cartwright.
Mr. Cowper.
Colonel Dyott.
Mr. Gourley.

Mr. Grantham.
Mr. Leeman.
Mr. Scourfield.
Sir Henry Selwin-Ibbetson.
Mr. Torr.

SIR HENRY SELWIN-IBBETSON, BART., IN THE CHAIR.

Mr. JOHN DUNNE, called in; and Examined.

Chairman.

1835. You are the Chief Constable of the counties of Cumberland and Westmoreland combined, I believe?—I am.

1836. What is the strength of your force?—One hundred and ninety-six.

1837. Is that the combined strength of the two counties, or can you give the separate strength of each force?—It is the combined strength.

1838. Are they identical in their management of the superannuation fund?—The funds are separate. The police are amalgamated as one force for duty, discipline, and management in every detail.

1839. Could you give the number of men who belong to each force and the number of men on the superannuation fund?—The Cumberland force was 124 on the 29th September 1874, and 28 in Westmoreland; there are also 24 additional men under the 19th section of the Act. Since then there has been an increase, so that the total number now is 196. There are three on the superannuation fund.

1840. Are you up to your full strength at present?—There was one vacancy yesterday.

1841. I observe that a Return which was made to the Home Office in September 1874 gives the strength of the forces as 141 for the Cumberland force and 35 for the Westmoreland force?—Yes, that includes the 24 additional men.

1842. Are those 24 men employed by private persons though belonging to the force?—Yes.

1843. And paid for out of private funds?—Yes.

1844. Do those men contribute their quota to the superannuation fund?—They do.

1845. And they have the same right to expect the superannuation?—Yes.

1846. Will you give the Committee the amount of your superannuation fund?—The amount of the fund on the 29th September 1873 was 10,397 *l.* 15 *s.* 6 *d.*

1847. Have you got a later date than that?—The returns up to 1874 show a fund of 11,236 *l.* 12 *s.* 8 *d.*

1848. What were your receipts during that year?—The receipts by contributions were 214 *l.* 12 *s.*

1849. Will you state what the contributions
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Chairman—continued.

of the men are; are they up to the maximum?—Two per cent.

1850. That is a half per cent. under the maximum allowed by the Act?—Yes; the amount of contributions was 214 *l.* 12 *s.* The amount of fines and penalties awarded to the fund, in cases where the police appeared as prosecutors, 458 *l.* 8 *s.* 10 *d.* Other receipts, including interest and so on, 349 *l.* 13 *s.*; total receipts for the year, 1,018 *l.* 13 *s.* 10 *d.* The disbursements in pensions and gratuities were 179 *l.* 16 *s.* 8 *d.* The total amount of the fund on the 29th September was 11,236 *l.* 12 *s.* 8 *d.* Number of men in receipt of pensions, two, and the amount paid to them 102 *l.* 6 *s.* 8 *d.*

1851. Those figures that you have given are for the two counties of Cumberland and Westmoreland?—They are.

1852. Has the contribution been always 2 per cent., or has it been varied?—The contribution was originally 2½, it was subsequently reduced to 2 per cent.

1853. Did that reduction take place recently?—About two years ago there was an increase of the pay, all the details connected with the allowances and deductions were revised, the superannuation contribution was also reduced from 2½ to 2 per cent.

1854. At present your receipts are very much in excess of your disbursements annually, are they not?—They are.

1855. But your number of pensioners upon the fund, as I understand, only amounts to two at present?—There were two on the 29th September last year; recently there has been another man superannuated.

1856. So that now you have three pensioners on the fund?—Yes.

1857. Can you give the number of men in your joint forces between the different periods of service, those who have served 15 and 20 years, and so on?—Those who have served 15 years and less than 20 are, one chief constable, eight superintendents, five inspectors, nine serjeants, and eight constables.

1858. And above 20 years' service, how many have you?—None. The force was only established in December 1857, so that the longest service would be under 19 years; there are none
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Mr. Dunne.

11 May
1875.

Mr. Dunne.

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1875.

Chairman—continued.

over 20 years' service, excepting a few of the men who were in the service of the county before the police were established.

1859. And the fund was established at the same time as your force, was it not?—Yes.

1860. So that at present you are in the position of not having arrived at the term of years at which your pensioners begin to fall upon the fund?—That is so.

1861. Do you believe when your force has existed for the number of years that Dr. Farr mentioned in his report, which I believe was 30 years, and you are feeling the weight of the pensions, that your present superannuation fund will be able to meet the strain?—I doubt whether the revenue, when the force is in full receipt of pension, will be equal to the expenditure.

1862. At present, as I understand you, you are in the receipt of an income of over 1,000 £ a year?—Yes.

1863. A large portion of which is being added now annually to the capital?—Yes.

1864. Your fund is nearly 11,000 £.?—Yes.

1865. And you still think that when the strain comes upon your superannuation fund, that amount of capital, increased as it will be by the additions that will be made in a number of years, will not be sufficient to meet it?—I do not think that if the fund had to depend mainly upon the contributions, that is to say, upon the deductions from the pay of the men, it could possibly meet the expenditure. Then there is a large portion of the revenue of the fund which accrues from moieties of fines; those moieties vary very much; in late years they have increased considerably; a few years hence they may decrease again; they vary according to the number of offences, especially of summary offences. If the present annual income could be guaranteed, I think it might be considered to be able to very fairly meet the expenditure; but I do not think, if the fund had to depend upon the amount of contributions deducted from the pay of the men, it would be sufficient.

1866. But, as I understand you, those contributions are supplemented at present very largely by fines?—Yes.

1867. Under the different sections of the Act which allow the magistrates to give the moieties of penalties, in cases where the police are informers, to the fund?—Yes. During last year the fund received from that source 458 £. 8 s. 10 d.

1868. How would you propose to strengthen that fund, if you say that you do not believe that the contributions from the men will be sufficient?—I think that if the whole of the fines and fees in all cases where the police lay informations and act generally were paid to the fund, that would materially strengthen it.

1869. Has your attention been called to the power which at present exists in boroughs, but does not in counties, of applying to the fund the money earned by the service of the police, in the way of serving summonses and executing warrants?—Yes, the fees for services in boroughs go to the superannuation fund under the 11th section of the 22 & 23 Vict. c. 32, while in counties they go to the police rate. Last year, under that head, there was paid to the police rate in Cumberland 440 £. 7 s. 5 d., and in Westmoreland 151 £. 10 s. 8 d.; if those fees were earned in a borough, they would be all paid over to the

Chairman—continued.

superannuation fund under the Act of Parliament.

1870. Do you think they ought to be so paid in counties as well?—I think it is only reasonable that they should be.

1871. Have you considered the suggestion which was laid before the Committee by another witness on a previous day, which was that there should be a power in the Secretary of State to apply to the fund the money received for these services of summonses, and execution of warrants, whenever the income of a force was not sufficient to meet its disbursements?—That would meet the difficulty. It would be only necessary when the fund was likely to become insolvent. If the Secretary of State had power to apply those fees, and the moieties of fines which are now paid to the county rate, and the other parochial authorities, the complaint which one hears as to the injustice of depriving the rates of those fines and fees would be fairly met. There is a large sum paid to the parochial authorities as well as to the rates.

1872. Are those cases in which the police are informers?—Yes; I think if the Secretary of State had power to apply to the superannuation fund all the monies accruing from the services of the police, either as fees or moieties of fines, it would be a great help to it, and it would go a great way to save any call on the rates.

1873. Do you think it would be sufficient to exercise that power when the occasion arose, and that it would not be necessary now to apply those sums for the purpose of setting up a capital sufficient to meet future demands?—In a county such as Cumberland or Westmoreland it would not be required now, nor perhaps for years, but in some other counties, where the funds have been in existence for some 30 years, and have been largely drawn on, they are nearly exhausted, and this subvention would now be a great help.

1874. It really comes to this, that you think, where there is a superannuation fund, the capital of that fund should be protected from being drawn upon?—Most decidedly.

1875. And that any income over disbursements should go to strengthen the capital fund, but that should the disbursements exceed the income, then the Secretary of State should have the power to supplement the fund from those different sources?—I think that would be a great aid to the fund.

1876. Have you found in your counties that your pensions, the few that you have had, have been granted upon a scale that satisfies the men?—Yes, the grievances complained of are not as to the scale of pensions, but the conditions under which they may be granted. One man complained.

Mr. Cusper.

1877. Is that one man out of three?—Yes; I have here a copy of a letter, embodying a report to the last sessions, recommending a man for superannuation: "I regret to have to report that constable Greenbank, who is stationed at Ambleside, is physically incapable of discharging his duty; he is 56 years of age. He has served as a constable in the police of Westmoreland since its establishment in 1857; he had previously served in the local police for five years, making 23 years' service together; but as no superannuation fund was established before 1857, this five years cannot be legally included in the service which counts for

Mr. Cooper—continued.

for superannuation. He has always conducted himself in an exemplary manner, and discharged his duties with diligence and fidelity, and in consideration thereof I recommend that he be granted 14s. per week, which would be half his present pay." There was a very strong feeling in the court that he should be allowed a higher rate of pension; he was at Windermere and Ambleside a great many years, and was a most efficient man, but he had not served 20 years; and he was under 60 years of age; he became quite incapable of doing his duty. The 14s. per week proposed and granted was the maximum pension he could receive under the Act, although the magistrates were most desirous to give him more. He applied to be superannuated. The medical evidence proved his incapacity. I recommended him for superannuation, and he expressed himself highly pleased at receiving half his pay.

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1878. Are you yourself satisfied with the present system of pensions?—I think that nothing could be more reasonable than the present system of enabling men of 15 and under 20 years to be superannuated in consequence of physical incapacity, but there is considerable dissatisfaction among the men of the service generally, at not being entitled to a superannuation allowance under 60 years of age unless they are mentally or physically unfit to do their duty. It is a well-known fact that there are hardly any men in the public service who have harder work to discharge than the police have in their ordinary duty; according to the present law, if a man enters the service, say at 21 years of age, he would have to serve 39 years, provided he was able to do his duty mentally and physically before he became entitled to be recommended for a pension. I believe that no body of public servants discharge their duties more loyally or efficiently, and I think that anything which could be done to improve their position and add to the stability of the force, is entitled to consideration.

1879. There is no absolute right to pension now?—No, there is not.

1880. Do the men in your force complain of that?—They have complained; I have consulted the officers and men, and they have expressed themselves very strongly; they look upon that as a grievance.

1881. What is the remedy which they suggest for that grievance?—Various suggestions have been made, but I think that all the reasonable men of the service would be satisfied if they could become entitled to superannuation after 25 years' service without naming the age at all. I think if a man serves 25 years, he has served the best part of his life, and after 25 years' service, I think it would be economy to the public to superannuate him as well as being to the man's own benefit, and for the good of the service generally.

1882. You believe that if the fund were established upon the principle that the pensions were to be drawn as a matter of right after a period of service, which you put at 25 years, the force would be benefited in the way of efficiency?—I am certain of it, for it would be the means of attracting in the first place a better class of men to the service, and of securing the services of men who had been for some years in the police. A great many men now who come

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into the police, find after four or five years' education and training in the service, that they are qualified to take some better situation in private life; a great many men have left me to take other situations after four or five years' service, and when I asked them the reason they wished to leave the police, they stated generally that the uncertainty of getting a superannuation allowance is so great, that they feel there is no certainty about it; that they would have to serve for so many years before they would become entitled even to recommendation for superannuation, that they would prefer going into private life where they would have more certainty of getting a better livelihood.

1883. Do you think that the question of superannuation enters at all into the mind of a policeman when he is enlisting?—Not so much in the first instance as after a man has been in the service for a year or two; I believe a great many of the more intelligent men when they come into the police do consider that part of the question; I believe there are men who enter the police purely as a matter of choice to make a profession of it, but after they began to pay their weekly contributions, would no doubt begin to think more about it, and would then look very much to the advantage of superannuation.

1884. Has your force changed rapidly?—I have had about 25 per cent. of resignations.

1885. Are those resignations from men who have recently joined the force, or men who have been some years in it?—The majority of those are men under two years' service, but others of four and five years' service leave me to enter into other situations.

1886. And those men you believe would be influenced by a better system of pensioning to remain in the service?—I believe they would; I have received a very large number of applications from men who are serving in the Scotch police forces in Dumfriesshire, Roxburghshire, Wigtonshire, Aberdeenshire, and other counties. I have appointed several of them, and when I came to ask their reasons for leaving the Scotch police, they generally stated that their main reason was that there was no superannuation fund in existence in Scotland, and that their object in coming into the English service was to secure some retiring allowance when they became old and unfit for service.

1887. In recommending this scale for retirement upon a fixed period of service, have you thought what scale of pension should attach to that period when a man retires with 25 years' service?—I think a man of 50 years of age and 25 years' service, would be fairly dealt with if he had half his pay granted to him on retiring, and after 25 years' service and over 50 years of age two-thirds of his pay; and I think that men incapacitated after 15 and under 25 years' service, should be superannuated according to the present law, and that incapacitated men of five, and under 15 years' service, should receive a gratuity equivalent to one month's pay for each year's service.

1888. It would be an inducement for him to stay in the service after 25 years, if he knew that remaining there until he was past 50 years of age would entitle him to a larger pension?—Yes, I would recommend that the service should count from 21 years of age, so that he would have no claim to superannuation under 46 years

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of age, unless he had become physically or mentally incapacitated.

1889. I understand you to say from that, that you would fix a limit, even if you enlisted a man at a younger age, at which he should begin counting service for superannuation?—I think the superannuation service should begin to count from the age of 21.

1890. Have you considered the point of whether there should be in this scale of pensions a maximum and a minimum rate between which the magistrates might have discretion, so that when you recommended a man after 25 years' service as a good conduct man, he would get the maximum, but that there should be the power of marking their sense of good conduct by leaving a discretion to the magistrate to diminish the pension within a certain limit?—I consider that such an arrangement would have a most excellent effect, because it would enable the magistrates to reward a man who was a superior and more efficient and more zealous man than, perhaps, others might be; there is no doubt that upon a certain service, say 20 years, there is a reluctance to remove a man from the service, because he has established a sort of vested interest in the fund, and holding out an inducement such as you mention would have the effect of stimulating men to continued efficiency, zeal, and energy.

1891. I wish to ask with regard to the rate of pension, would you give a man a rate of pension according to the rank in which he was at the time he had completed his 25 years' service, or would you make him, as now, serve a certain number of years in a particular rank before he could take pension upon the pay of that rank?—I think that a superintendent, inspector, or serjeant should be a certain number of years in that rank before he was entitled to retire upon a pension, calculated at the pay which he received in that rank.

1892. Even though he had arrived at the term of 25 years' service?—I think there should be some regulation to that effect.

1893. What limit would you fix; would you fix the present limit of three years?—I think five years for the higher ranks, and three years for a serjeant.

1894. Do you think that a man has served pretty nearly his full time when he has served 25 years, as far as efficiency is concerned?—I think if a man in the ranks has done police work for 25 years there is very little left in him; but with superintendents or inspectors many of them are in the prime of life, and all the necessary qualifications at 45 or 50 years of age.

1895. Are you not afraid that what you have suggested about the length of the term of service in a particular rank, say five years, might be an inducement to a man to stop on in the ranks, although he might be inefficient, in order to get the retiring pay of that rank?—It might; but if superannuation could be granted to men or officers after certain services, regardless of the 60 years limit as to age, such a contingency would be met.

1896. But the same feeling would weigh upon the part of the officer which you have just named, namely, the dislike to discharging a man who was almost entitled to pension?—No one would like to discharge a man after a certain number of years service without some pension, but if the law enabled a man to be pensioned regardless of age, and so forth, and provided he was otherwise

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entitled to retire, it might be better for the public and the man himself, and the interests of the service, that he should be superannuated; and with the alterations suggested this could be the more easily done, without any feeling of compunction as to doing injustice to the man or the service.

1897. Have you thought of the question which has been stated as a grievance by some of the police, that they cannot carry their full period of service with them into other forces?—I think where a man is promoted from one force to another he should carry his full service with him. I think after a man leaves Cumberland to go into Yorkshire to take the rank of superintendent or inspector, he should take his full service with him; but I think that if a man resigns in Cumberland to go into another county he should forfeit all his service. At present it is only one-half his service that he can count, and that only after seven years, but I think if he was a good man, and had served some years in the county, and was deserving of promotion, he should take all his service with him.

1898. But as long as he was promoted for the public good, with the consent of the authorities, he should carry the whole of his service?—I think so.

1899. How would you propose that the pension arising from the length of service should be paid; should the whole pension be paid by the force accepting his services, or how would you arrange it?—I think that the county which had his services for five or seven years, or any time after a certain period, should pay in proportion towards his superannuation, and that then the county where he was superannuated should pay in proportion for the number of years that he had served in the county.

1900. You would divide his pension when it came to be claimed between the two forces who have employed him?—I think that that would prevent any grumbling or dissatisfaction on the part of anybody.

Colonel Dyott.

1901. But the superannuation fund is a private fund?—So long as it is solvent, but when it becomes insolvent, it falls upon the rates, so that the ratepayers look upon it as a ratepayer's question.

Chairman.

1902. Have you heard in your force complaints with regard to another point which has been submitted to us, and that is that the children of officers dying in harness, as I may call it, without leaving widows, are not entitled to take the gratuity in the same way as the widows could have done?—Yes; it is one point I made a note of to draw your attention to. I think in any case where a man dies as a widower, leaving children, that the gratuity which the widow may receive under the 20th section of 22nd & 23rd Vict. c. 32, should be paid to the children; and I think in a case where a pensioner died within 12 months after being pensioned, that a like gratuity should be paid to the widow or children.

1903. Would you make that gratuity to the children unlimited, or would you fix any limit to it?—It would be very difficult to say at what age the gratuity should not be paid.

1904. It has been recommended that children under 16 years should be entitled to claim it as if there

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there was a widow, who would be paid under the section; but you think it would be better not to fix any limit?—I think it should be left to the magistrates; it is entirely in their option to grant a gratuity; I, as chief constable, would ask the quarter sessions to grant a gratuity, they would take into consideration all the circumstances. If the children were grown up and able to take care of themselves, there would be no case to bring before the court; but a case might happen of a young man or woman, who might be over 16 years of age but in delicate health, and it would be desirable to have power to assist them a little.

1905. Have you any boroughs with small separate forces in your county?—Kendal and Carlisle.

1906. Are those boroughs with large forces, or small ones?—Kendal has a force of 13, and Carlisle of about 35 men.

1907. Have you considered, with regard to this superannuation question, the possibility of carrying on and maintaining a superannuation fund, dealing with a force so small as the Kendal one?—There is no doubt that the smaller the force the greater the difficulty.

1908. Have you thought of any mode of dealing with small forces of that kind in a scheme for superannuation?—I think that in small forces the law regulating the question should apply.

1909. Do you believe that by applying the penalties and the services which the police earn, you could make a small fund self-supporting?—It depends so very much upon the liability which the fund would in a certain number of years become subject to. The smaller the place the smaller the number of men, and the more frequent the changes generally.

1910. What is the rate of pay of your force?—From 22 s. 9 d. to 28 s. for constables, per week.

1911. What comparison does that bear to the rate of the district; is it above or below?—It is the wage of the neighbouring counties, Northumberland, the West Riding of Yorkshire, Lancashire, and Durham; those are all substantially on the same footing.

1912. And compared with the wage of the population around?—Relatively it is a fair average, about 4 s. a day; you cannot get labouring men in Cumberland for less than 3 s. 6 d. or 4 s. a day, but it is very much below that of the mining population.

1913. Then practically your police pay is below the wage of the surrounding district?—Of the mining portion of the population, but it is not below the pay of the agricultural labourers.

1914. Not when they enter at 22 s. 9 d. a week?—It would be at the beginning; but when a man got to 4 s. a day, he would be in the receipt of good average pay.

1915. Have you, in consequence of that rate of wage, found any difficulty in recruiting your men?—I have found some difficulty in getting good quality, but not in quantity. Superior men are now so much in demand in the manufacturing towns, and there are so many sources of employment opened up to good men, that the class of men is different from what it formerly was. Fifteen years ago or so, I used to get a great many sons of the small yeomanry, of which there are many still in Cumberland; a 0.94.

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great many of those men have got on exceedingly well in Liverpool and Manchester and other places; men of this stamp have left me to take other situations, and one of the reasons they alleged for leaving was the uncertainty of getting superannuation even after long service.

1916. One of your reasons for recommending that there should be a fixed scale for giving a man that certainty is, that you believe it would bring back to you a recruit who is a much better public servant than the men whom you are now driven to accept?—That is entirely the reason for making the recommendation which I have done, and also as a matter of justice to the service, and to the public interest. I think that the more efficient you make the police, the better it would be for the public. I think it is a most important thing to have intelligent men, men of discretion and judgment in the police. The police have to decide upon matters of law, whether it is legal or illegal to do certain things; and an ignorant man may act illegally; he may interfere injudiciously, and cause considerable dissatisfaction. In short, a policeman is expected by the public to be a man of a fair share of education, to be possessed of good common sense, be able to evince great discretion and judgment in the discharge of very responsible and onerous public duties, to be able to discriminate between the various complaints that are made to him by people who feel aggrieved, and who resort to the police for advice and protection; he must be able to give evidence in courts of justice, with clearness, fairness, and intelligence; and he must be a man of general good character and exemplary conduct, and be in every respect trustworthy. I think that for these reasons it would be beneficial for the public interest, as well as for the efficiency of the service, and as a matter of justice to the police, that they should have some amelioration granted in connection with the superannuation question.

1917. There is another point which I should have asked you in the earlier part of your examination; that is, how your accumulated fund of capital is invested in Cumberland and Westmoreland?—There is a considerable portion of it lent to the county, on the security of the rates, for which we receive 4 per cent., and there is a standing order of the quarter sessions that, when the fund has accumulated to 500 l. it shall be invested in the funds at 3 per cent.

1918. You have only a temporary fund which gives you 4 per cent., and your main fund is invested in consols?—That is so.

1919. Have you any other point that you would like to mention to the Committee?—I think a man dismissed, as a matter of course, should forfeit his claim to superannuation, and I would also recommend that the conditions that are set out in the Metropolitan Police Fund Superannuation arrangements should be extended to the police generally; I think that you should have some security after you superannuate a man, that he should prove himself deserving of a continuance of the superannuation after he leaves the service.

1920. That raises a question I should like to ask you; would you in all cases of short service, when there were pensions granted upon a medical certificate, recommend that a man should be obliged to report himself after a certain period in order to get a renewal or continuance of his pension,

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pension, or be brought back to the service if he should recover?—I would recommend most strongly that he should report himself from time to time, for the purposes you mention.

1921. I understand also that you think that the rules which regulate the granting of those pensions in the force you mention, namely, that a man should be subject to forfeit his pension on certain conditions, should apply also generally?—I think it would be a very great advantage to the service. Many of those men even after being superannuated might be of considerable service to the police in obtaining information and in assisting them generally.

1922. As I understand, those regulations are that a man shall render assistance when called upon, and that he shall not forfeit his good character by conviction or otherwise?—Those are the conditions; there are also others relating to the forfeiture of pension in the 37 & 38 Vict. c. 80, the Irish Constabulary Act, which was passed last year.

1923. The Irish constabulary as well as the metropolitan police have those conditions attached to their scales?—They have, and I believe it would be a very great benefit if they were extended to the police generally. There is another point I beg to mention with regard to the claims of a man who had spent a great portion of his time in Cumberland; if he had served three or four years in Cumberland and was removed into Westmoreland, the existing law does not give him any claim on account of that service; no doubt some mutual arrangement might be entered into, but there is no law to authorise any arrangement which would give a man a right to count service in Cumberland, if he had served in Westmoreland.

1924. That was what I asked you about principally, when I understood you to say that it ought to be extended to them on promotion?—Yes. Generally, I think, men in promotion should carry all their services with them; but I think that in two counties which are amalgamated the service should count on removal as well as promotion.

1925. Wherever a county amalgamates its forces with another county, you think those forces should be treated as one county for superannuation purposes?—Yes, I do; it is a matter of great importance that the smaller county should have the best men. As a matter of economy and efficiency it has been found to work most advantageously, having the two counties united; Cumberland, in point of fact, is the *dépôt* for Westmoreland, and the men sent into the latter county are generally first-class men both in pay and qualifications.

1926. You would go beyond your previous exceptions, and say that in that case the men should carry their service generally?—Yes, from one county to the other, not only on promotion but removal.

1927. Is there any other point that you would wish to submit to the Committee?—I think that in a case of a man being killed in actual duty in a riot, or by burglars, any pension or gratuity given in such a case should fall upon the rates and not upon the fund.

1928. You think that that should be treated as a special case?—I think so; I have a list of the various Acts of Parliament under which

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moieties of penalties have been paid to the parochial bodies and to the county rates, if the Committee will allow me to hand it in (*the same was handed in*). I have also reports in the few cases of superannuation we have had.

1929. In which you state the reasons upon which you have made your recommendations?—Yes.

1930. Will you hand that in?—I will (*the same was handed in*).

Colonel Dyott.

1931. You say that in the Scotch counties they have no superannuation fund?—None.

1932. And you have had several men from them, I think?—Yes, several first-rate men.

1933. What is the difference of pay between your force and the forces from which they come?—If you take into account the cost of provisions in Scotland and in Cumberland, and the house rent, there is very little difference in the pay. In Scotland the police constables generally receive houses rent free to live in; that represents on an average 2s., and in many of those counties provisions are cheaper.

1934. If I understand you, the pay and allowances of the Scotch counties amount to very nearly the same thing as with you?—Practically, taking everything into account, there is very little difference.

1935. Then the attraction in your opinion would be the superannuation retirement, that in your case they would have, but not in Scotland?—In almost every instance where men have come to me they have given that as the reason for changing, some of those are men of four or five years' service. Three weeks ago a man who had served five years in Dumfriesshire, came to me without a blot upon his character, and as smart and intelligent a man as you could meet with; he gave as his reason for giving up his five years' service and coming into the English service, the fact that we have superannuation and they have none.

1936. Then, in fact, it is a direct decrease of pay, because when they come to you they have their pay stopped to contribute to the superannuation fund?—Yes, but they cheerfully contribute to the fund. I have never known any man complain of it.

1937. Does not it come to this, that they prefer a certain prospect of superannuation now with a less rate of daily pay, to a higher rate of pay without that prospect?—Yes, they prefer investing for the future, it influences men; they say that when we are old or unable to work, or to obtain a livelihood, we have something to keep us out of the workhouse, that is what I find influences those men very much.

1938. That is your opinion that the men would prefer a less rate of daily pay with the certainty of superannuation?—That is so. I think, moreover, it would be a great advantage if there was uniformity in certain districts, both in pay and grades.

Chairman.

1939. I think you are rather travelling out of the superannuation question?—I thought it would apply to that question, that the superannuation allowance should be uniform, and in order that it should be uniform, it would be necessary that there should be uniformity of pay and grades.

1940. You

Colonel Dyott.

1940. You also mentioned that the rate of agricultural labourers in Cumberland was 3s. 6d. or 4s. a day?—It is now 3s. 6d. or 4s. a day; you cannot get good men under.

1941. Is that in the rural district?—I inquired the other day in the neighbourhood of Weatherall, which is purely rural, and I was told they could not get men for less than 3s. 6d. or 4s. a day.

Mr. Leeman.

1942. How many pensioners did you state that you have?—We had four, but one is dead; there were two in September last; one has been added since; those men were all men of service under 20 years, who were physically incapable of doing their duty, and they were superannuated in consequence of their physical incapacity.

1943. Am I right in understanding that during the whole period of the constitution of the force you have only had four pensioners?—Yes.

1944. At this moment you have only three?—Yes.

1945. Do you propose that the whole of the penalties should go to the superannuation fund?—I do in all cases where the police lay informations, or appear as prosecutors.

1946. The amount of the penalties in Cumberland last year was 1,326 l. 10s. 10d.?—The penalties in the cases of drunkenness in Cumberland where the police laid information was 1,326 l. 10s. 10d.

1947. What was the amount in Westmoreland?—£. 269. 11s. 5d.

1948. That would have given you 1,600 l.?—Yes.

1949. That you would propose should now be paid to the superannuation fund?—I recommend that most strongly for the consideration of the Committee.

1950. About what has been the amount that you have paid, or which has been disbursed out of the superannuation fund from the beginning?—The total disbursements for gratuities and pensions have been, I should think, about 1,000 l.; I do not think they have exceeded 1,000 l., but I have not the figures with me.

1951. Your force, as I understand, was established in 1857?—In January 1857.

1952. And the fund has accumulated now, after disbursing 1,000 l., to the sum of 11,236 l.?—Yes.

1953. The total disbursements you made last year were how much, taking the two counties together?—The total disbursements made last year were 179 l. 16s. 8d.

1954. About what did you receive last year from the allowances of 2 per cent.?—£. 214 12s.

1955. So that in the last year the contributions would more than exceed your pensions and gratuities?—Last year the contributions exceeded the disbursements.

1956. You see no reason to alter the rate of the contributions?—I think that if a man pays 2 per cent of his pay, it is a very fair contribution to the fund. Then you must take into account also what accrues from the men's services as moieties of fines. Formerly in old times, before the police were established, informers used to receive half the fines, and it was considered that the old constables looked upon that as an inducement for detecting offenders; now instead of giving that to the police it goes to the fund, so that

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really the men feel that they have, in a certain sense, a vested interest in it; the better the fund, I think, the more security there is for a man to receive his superannuation.

1957. But you have no difficulty with reference to the security in Westmoreland and Cumberland?—Not at present.

1958. At present you have none?—No, we have none at present, but you must remember that the fund has not come into full swing, as it were; we are only 20 years old.

1959. I am coming to to that in a moment. Out of the number of men you now have in the force, you have 22 men who have been in the force from 15 to 20 years?—Yes.

1960. According to the plan you have been laying down this morning, there would be several years before they would come to the 25 years' service, entitling them to pension?—Yes, most of them have served about 17 years, and they would have about eight years to serve.

1961. It would be eight years before those new men would come to pension upon your plan of 25 years?—Yes.

1962. You have 44 men who have been in the force only from 5 to 15 years?—Yes.

1963. They would be a considerable time before they would come upon your plan of 25 years' service, into the receipt of pension?—Of course they would be several years.

1964. You have told the Committee that you received 214 l. 12s. last year from the contributions of the men?—Yes.

1965. And you would add 1,326 l., assuming the penalties to amount to that, to the fund for this present year?—Yes, I would, certainly.

1966. And you would go on adding that in future years?—Yes.

1967. What is the interest you get now upon your funded 11,236 l.?—The bulk of it is invested in the Three per Cent. Consols; a large portion of it is lent to the county at 4 per cent.

1968. So that you get about 350 l. for the interest upon the present accumulated fund?—About 300 l.

1969. So that you would have to add to your 11,236 l. in those eight years the 249 l.; you would have the 1,320 l., and you would have the 350 l., the interest upon your present accumulation?—Yes.

1970. You would then have got very nearly 2,000 l. a year to add?—It would be so as regards last year, but there is no certainty that it will be so as regards future years.

1971. You have told the Committee that crime varies, but you would have, would you not, an approximation to 2,000 l. a year?—No doubt.

1972. In truth the accumulation during last year has run up about 1,500 l.?—Yes.

1973. At what time would you propose to stop that state of things?—I think that after the force had been in existence 25 or 30 years, you would find that the revenue, even with the additions that I have suggested, would hardly meet the expenditure; I believe that if you had the certainty of a pension as an inducement for men to stay in the service, you would have a very much larger proportion of men who would become entitled to superannuation.

1974. That is clear; we need not argue that?—But I want to show that if we had a certainty of pension, and a right, as it were, to a pension

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for 25 years' service, regardless of age, I believe that instead of having 22 men we should have had about 40 or 50 men of from 15 to 20 years' service.

1975. But you are now dealing with a period of at least 10 years forward?—No, eight years.

1976. You would propose to go on accumulating, and if you have looked at the figures, as I assume, from what you have said, you have done, you would be accumulating for the next eight years at a greater ratio than 2,000 *l.* a year, assuming the amount of crime to be the same?—Yes; assuming all things to go on as they are now going on.

1977. As your fund accumulated your interest would accumulate also?—Yes, of course it would.

1978. You say that at present the county rate gets the 1,320 *l.*?—The county rate and the police rate.

1979. The county and other rates are relieved at present to that extent?—Practically the county gets that relief.

1980. The present ratepayers are relieved in the levying of their county and police rates by that 1,320 *l.*, or so much of it as at present remains in their hands?—They derive a certain relief, certainly.

1981. It goes into the common county purse, and to that extent is in relief of the county rate?—If you gave to the fund now that which goes in relief of the county or local rates, it would protect the rates in future years from what would fall upon them.

1982. I want to see how you would propose that the present ratepayers should be contributing (because that is the practical effect of your proposition) in relief of the ratepayer eight years hence?—Pardon me, I think, I make the suggestion in the interest of the ratepayers, because if you will allow me to explain, I believe the suggestion I made for the purpose of increasing the fund and insuring its stability would practically tend to be entirely in the interest of the ratepayers, for I am persuaded that the more efficient you make your police the more economical it will be for the ratepayers of the present day in not having to pay the cost of prosecuting the offenders who commit a great many crimes that would no doubt be prevented by making the police thoroughly efficient.

1983. What I want you to look at is this, that at present your proposition is to take out of the common purse of the county 1,326 *l.* a year for a period until your men shall come into the receipt of a larger portion of the superannuation fund; is that your proposition?—That is so, and with the permission of the Committee I would beg to give my reason for making the proposition. The police generally consider that their services entitle them to a claim to those fees; the law already directs that the fees earned by the service of the police in boroughs, shall be paid to the fund, and if there is any good reason why that should be done in boroughs, I do not see why it should not be so in counties; I think the feeling of the police now is (it certainly is in boroughs), that when men get up to a certain age they run the risk of being discharged. The men feel that the claim falling upon the rates would hazard their continuance in the service; and if a fund, which practically would be self-supporting, could be

Mr. Leeman—continued.

accumulated by any means, they would be protected from the risk they now run, while, at the same time, the efficiency, intelligence, and stability of the police would be the more effectually secured.

1984. I was dealing entirely with counties, and the evidence which you have given to the Committee was with regard to boroughs. You are aware that in counties, supposing the superannuation to be deficient, the county rate must make it up?—I am aware that the law directs that it shall be so. In speaking of boroughs, I am enabled to do so from my experience while in command of the police of Norwich and Newcastle-on-Tyne.

1985. I wish to ask you another question; that being so, I want to understand at what period it is that in Cumberland you would stop those contributions out of the common stock to the police fund, bearing in mind that the ratepayers are always bound to contribute to any deficiency there may be in the superannuation fund?—The authorities are not bound by law to superannuate now; if a deficiency arose, the ratepayers would have to pay, but they would do so very reluctantly, I believe.

1986. But is it not palpable that those would be the ratepayers of a very remote period, beyond eight years?—I make my suggestion in the interest of the present ratepayers.

1987. Is it not clear upon the figures which you have given us, that it must be the ratepayers beyond the eight years who would be called upon to contribute?—I believe no claim could fall upon the ratepayers within eight years. I believe our present fund is sufficient for eight years or longer.

1988. You would go on for eight years taking 2,000 *l.* a year from the present ratepayers, which would otherwise go to the relief of the county rates?—It might be a sort of process of taking it out of one pocket and putting it into the other. The present ratepayers, I contend, would have the advantage of a more efficient police. I think, as I said before, that whatever plan operates to increase the efficiency of the police is a matter of economy and great importance to the present ratepayers. I am quite satisfied that the more crime you prevent the more money you save; and the more efficient your police are the more likely they will be to prevent crime; look at the exhausted condition of the funds in counties where they are now paying, after an existence of 30 or 35 years; look at the metropolitan police force, where the ratepayers have had to pay a considerable sum of money, 62,000 *l.* I am told last year, as a subvention to the superannuation fund; in many places the fund has become practically exhausted. In about 30 years from the establishment of a fund, the expenditure must, under the existing plan, greatly exceed the income. Obviously the constable must be outrun when that is the case, and I think it would be wise to, if possible, guard against such a contingency.

1989. It is a plethora with you?—I am speaking in the interest of the police and the taxpayers; I am quite satisfied that whatever can be done to improve the police will be a matter of economy to the ratepayers in the more effectual prevention of crime and the protection of life and property.

1990. You

Mr. Cowper.

1990. You said that if a man upon your scheme of pension served five years in one county, and then moved on promotion to another county, and served out the whole time to get a pension, you would lay that part of the pension which represents the first five years' service on to the first county where it was served?—There have been difficulties raised on the point, and my object is to endeavour to meet these so as to secure to a man his services.

1991. That is a little hard upon the county; it is no more benefit to a county to get rid of a man leaving for promotion than if he retires into private life?—No, excepting the good that arises out of the general prevention of crime.

1992. And they would have a dead loss in having to pay a moiety of his pension hereafter?—The case would very seldom arise. No doubt the borough or county into which a man would go would have the benefit of his experience, and perhaps they should pay the superannuation on all his services. That would be the most convenient plan if it could be done without difficulty or opposition.

Mr. Scourfield.

1993. You have only alluded to pensions; have you a scheme with regard to gratuities?—We have had men receive gratuities under the provisions of the Act of Parliament for efficiency and extra vigilance.

1994. What amount does that come to out of your fund?—The amount has not been very great; I should think under 100 *l.* There have been some occasions in which men have displayed extraordinary energy on apprehending offenders, and I have recommended them to the sessions for a gratuity under the 22nd & 23rd Vict. cap. 32, sec. 16. The maximum gratuity is 3 *l.* in any one case. I would recommend that power should be given to grant a gratuity as high as 5 *l.* in such cases. To men of five years' but under 15 years' service, who should become mentally or physically incapable of discharging their duty, I would recommend that gratuities equivalent to one month's salary for each year's service should be granted out of the superannuation fund.

1995. Is that paid out of the superannuation fund?—No, the general rates.

1996. You alluded to a man being killed in doing his duty, and the consequent charge which should fall upon the county rate, but, I suppose, that that would be entirely dependent upon his having a family or not?—Yes.

1997. It would be quite an exceptional case?—Yes.

1998. Have you had any such case in your county of a man being severely hurt?—There

Mr. Scourfield—continued.

was a man killed at Hexham, in the adjoining county of Northumberland in a riot only recently.

1999. What was done in that case?—That is still under the consideration of the quarter sessions.

Chairman.

2000. You stated that you thought 2 per cent. was a sufficient deduction from the pay of the men; would you make that 2 per cent. universal?—I think it would be a very reasonable deduction.

2001. Throughout the country?—Yes; I think so.

2002. As you are aware, at present, the great bulk of the forces contribute 2½ per cent.?—Yes, but our fund is in a satisfactory condition, and the magistrates did not think it desirable to ask the men to contribute more than was necessary.

2003. With respect to the answer which you gave to the question of the Honourable Member for York, are you aware of Dr. Farr's Report?—Yes.

2004. In that Report, Dr. Farr stated 30 years as the period of the force when you might calculate upon the numbers of pensioners coming in their full strength upon the fund?—Yes.

2005. And when you ask that the contributions to the superannuation fund should continue to your fund, it is because you think that the same contributions should be applied to your fund as have been applied to other funds with a view to keeping it in a state of efficiency at that time?—That was entirely my view in making the recommendations I have done.

2006. If it comes to falling upon the rates, which is the chance with every fund at the present moment, then this is only a "buffer" between the rates, upon which the pensions are chargeable, and the policemen?—Yes. I am satisfied that if you had a superannuation fund equal to bearing the strain of the superannuation after a period of 30 years, it would add greatly to the efficiency and stability of the police, because the certainty of superannuation, on reasonable and fair terms, would remove the grievances now complained of. It would be greatly encouraging to the police, while, as a matter of fact, its operation would be most economical for the ratepayers.

2007. What I imagine you mean is, that if a superannuation fund is to be established at all, and if 30 years is the time at which it might be supposed to arrive at its self-sustaining power, you ought to allow the contributions which are calculated upon to be continued up to that time?—Quite so.

Mr. Dunne.

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Mr. GEORGE LEE FENWICK, called in; and Examined.

Chairman.

2008. You are the Chief-Constable of Chester City and Borough, I believe?—Yes, I am.

2009. Your force, I believe, consists of 38 men?—Yes.

2010. Can you give the Committee the years of service of the force?—Under 15 years, 35 men; from 15 to 20 years' service, two men, and from 20 to 25 years' service, one man.

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Chairman—continued.

2011. You have five men in your force over 15 years' service?—Three.

2012. Are these constables or men in a higher rank?—There are one inspector and two constables.

2013. Are there three men over 15 years' service at present on duty in the force?—Yes.

2014. What deductions are made from your force

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Fenwick.*

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Chairman—continued.

force towards the superannuation fund?—Two and a half per cent.

2015. That is the maximum deduction?—Yes.

2016. What is the amount of your fund at present?—Nil.

2017. You mean that the fund which had existed has been exhausted?—Yes; it is a negative quantity at present.

2018. Have you any pensioners at present on the force?—We have three now.

2019. And those pensioners at present under the Act fall upon the borough rate?—Not entirely; we are still subscribing to the fund.

2020. Whenever there is a deficiency beyond the mere contributions, they fall upon the borough rate?—Yes.

2021. What were the contributions derived last year from the moieties of penalties?—£. 66 3 s. 1 d.

2022. That was from the penalties from cases of drunkenness under the Act by which the police are entitled to the moieties of penalties as informers if the magistrates so direct?—Precisely.

2023. Are any contributions made to the fund of your force for the service of summonses, and the execution of warrants?—No, we charge nothing for the service of summonses in Chester, because the legal authority to do so appears doubtful.

2024. Have you a table of fees in Chester?—Yes, we have.

2025. And even with that table of fees, you do not consider yourself entitled to charge under the Act the fees for the service of summonses, and the execution of warrants to the fund?—There is nothing in the table of fees authorising us to charge for the service of summonses.

2026. Are you aware that in the Act of Parliament there is a power to place in the boroughs the amount earned by the performance of these particular services to the fund?—That is so.

2027. But they do not adopt that plan in your borough?—No, for the reason that I have stated, that we cannot find a legal authority for charging for the service of summonses.

2028. I imagine that after what you have stated, you could hardly consider your superannuation fund in a satisfactory condition?—It is beginning to right itself now, since two or three men have died off; that is to say, the revenue now is about equal to the disbursements.

2029. Having been for two or three years in difficulties supported by the rates, you are now beginning, by reason of the number of pensioners diminishing, to recover and become solvent?—Yes.

2030. In what year was the force established?—In 1836 it was established upon its present basis.

2031. The fund was not established until 1853, I believe?—No, not until 1853.

2032. Have you any record of a period since 1853, in which you have had an increasing capital fund, or have you always been in this sort of balance between insolvency and solvency?—I think the fund was only exhausted three years ago.

2033. Can you state how many years the fund

Chairman—continued.

continued rolling up, until a strain came upon it?—Yes, until 1864.

2034. That was in consequence of your not having any pensioners, I suppose?—No, we had six or seven pensioners up to that time, but at that time my predecessor was pensioned on 100*l.* a year, and that was rather a severe draft upon a small fund.

2035. Is that pensioner still upon the superannuation fund?—Yes, he is 71 years of age, at present.

Colonel Dyott.

2036. How long have you been in the force?—I have been 11 years chief constable of Chester, and before that, I was five years at Leeds.

Chairman.

2037. Are the men of your force satisfied with their system of pensions at present under the Act?—They are not satisfied with the system of pensioning men at present; they think that they ought to be entitled to claim after a fixed period of service.

2038. Do you yourself from your experience, endorse that view or not?—I do.

2039. Do you think that the men should be able to claim, after a certain number of years' service?—Yes.

2040. What period of service would you fix as the time at which they should be entitled to claim pension?—I have a proposed scale here if the Committee will allow me to read it. For five years and less than 15 years' service, a sum as a gratuity equal to a month's pay for every year of completed service; 15 years and less than 20 years' service, a pension of not less than one-third, or more than one-half; 20 and under 25 years' service, not less than one-half, or more than two-thirds of full pay; 25 years and upwards, not less than two-thirds or more than full pay. The service of a constable under 21 years of age not to reckon towards superannuation, and no constable who has served less than 20 years, or who is under 50 years of age, to be entitled to claim any retiring allowance, unless he is reported by the police surgeon to be unfit for further service.

2041. That practically leaves the system of pensions upon medical certificate very much where it is?—Yes, very much where it is.

2042. But that would establish a fixed period of service after which a man might claim to retire?—Yes, and I have also allowed a discretion to the magistrates and watch committees.

2043. Placing it at not less than one-half, and not more than two-thirds, from 20 to 25 years' service?—Quite so; otherwise the drone who had just managed to get along without being dismissed, would claim as much as a zealous constable who had done his duty effectively.

2044. Remembering the periods which the men have served, you might be liable in the course of the next year or two, to a considerable addition to your pension list?—Quite so.

2045. You have five men over 15 years' service?—Three now; two have died lately.

2046. Who, therefore, would be looking forward to being able to claim their pensions?—Quite so.

2047. Under those circumstances, do you consider

Chairman—continued.

sider that the present increment of income to your superannuation fund beyond the men's contributions would be sufficient?—No, I think not.

2048. How would you propose to supplement it?—If we could charge for the service of summonses that would make a handsome thing per year to add to that; then the fees for granting pedlars' certificates would be another item which might be added.

2049. Would you leave penalties, as they are, at the discretion of the magistrates to apply them or not?—I would.

2050. Would you increase the application of penalties from the present rate of one-half; would you apply the whole of the penalties as has been suggested?—I would not.

2051. You would leave that in its present position, but you would supplement the fund by adding the fees for the services of the police?—Yes, and also those arising from pedlars' certificates.

2052. You believe that by doing that, you would gradually establish a capital fund which would meet the strain upon it for pensions?—Yes, I think we should.

2053. That is with regard to your present force up to 38 men?—Yes.

2054. You have calculated on that?—Yes.

2055. What rate of pay have you in your force?—A constable commences at 22 s., and goes up to 26 s.

2056. Does that bear a fair proportion to the rate of pay in the neighbourhood and in the county?—Yes, it is the same as the adjoining counties; but rather less than Liverpool and Birkenhead.

2057. And with regard to the agricultural labour of the district, is there a temptation with regard to the higher rate of wage to take your men from you?—Yes, not only agricultural labour, but other kinds of labour; there are so many kinds of labour where good men are wanted.

2058. Have you found difficulty in recruiting from that source?—I have, during the last two years.

2059. Do your men stay with you, or do they change rapidly?—If they change, they change within the first 12 or 18 months.

2060. Can you state what proportion of men leave you in that way?—About 14 per cent.

2061. Fourteen per cent. are changing within the first two years?—Within the first 18 months, I should say.

2062. Do you think that the question of pension enters at all into their consideration with regard to their remaining in the force?—Not so much when they join; of course they have a vague idea of pension when they join, but when they begin to pay their 7 d. or 9 d. a week, then they begin to think about it.

2063. After they have been rolling stones for a year or eighteen months they begin to attach importance to their pensions?—I think so.

2064. Do you think that this scheme, if established as you have suggested, would strengthen that wish to remain in the force?—I do.

2065. Have you heard that from the men?—I have.

2066. Have you thought of the scale of pension with regard to the rate of pay; that is to 0.94.

Chairman—continued.

say, whether a man should be obliged to remain in a grade for a certain time before he could claim the pension for that grade?—I have.

2067. What would be the rate of service which you would fix?—I would fix five or seven years.

2068. That a man should be then entitled to claim the pension of the rank in which he had served the full time?—If he claimed then.

2069. Would you allow him to count his service in other forces?—On promotion only, and the full amount of service, not half as at present.

2070. As long as a man was promoted in the public interest you would allow him to carry his full amount of service?—Yes; it would never do otherwise; it would unsettle the men; you could not maintain discipline among them.

2071. There would be no inducement to become otherwise than rolling stones all their lives?—There are sufficient inducements to change at present, but that would unsettle them much more.

2072. How would you arrange about their pensions?—It would practically amount to nothing.

2073. You think that might be left to arrangement between the contracting parties?—Yes, I do.

2074. Have you thought about the question of the application of this superannuation fund to smaller forces than your own?—Yes, I have.

2075. What do you consider the number of men that could maintain an efficient fund?—It appears to be rather a question for an actuary, but I do not see how the strength of the force affects the principle; of course, with more men you have more money rolling into the fund, but you have the risk of increasing the number of pensions in the same ratio.

2076. With a larger force you have a greater risk of men coming on the fund?—Yes.

2077. You believe that a fund established in the way you have suggested, and supplemented in the way you suggest, might be established universally and applied to the police?—Yes, whether the force numbered one or one thousand.

2078. Do your men also feel strongly upon the point which has been brought before us by other chief constables, with regard to children on the death of a constable, taking their share of the gratuity as the widow would do, if there were one?—Yes, I think that would be very desirable.

2079. Can you suggest anything else to the Committee with regard to this superannuation fund, which you would wish to bring before them?—I think the question of charging for the service of summonses in boroughs ought to be put beyond doubt; beyond that, I have nothing more to suggest.

Mr. Scourfield.

2080. You spoke of hawkers' and pedlars' certificates; does the money derived from them go to the borough fund at present?—It goes to the borough fund at present.

2081. Do you know what their average amount was?—In Chester it is from 35 l. to 40 l. a year.

Mr. Gourley.

2082. How do you account for the bankrupt condition of your fund?—Because the fund was not

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Mr. Gourley—continued.

not established until the force had been in existence for 17 years.

2083. When you did establish the fund, can you tell how it was made up; what was it made up of, in addition to the $2\frac{1}{2}$ per cent.?—Simply from what was charged for the execution of warrants, the sale of old clothing, moieties of penalties, and so on.

2084. Have you ever had any communication with an accountant with reference to what sum of money would be required to be capitalised to make a solvent fund?—I have. I should say from 60 l. to 70 l. a head would be required.

2085. That is a calculation made by your accountant?—That is a calculation made by a gentleman with whom I have conversed upon the subject.

2086. Is he an actuary?—No, he is not an actuary.

2087. How many years do you consider police constables are able to do their duty?—In boroughs not more than 21 years.

2088. Even if a man enlists at the early age of 18?—He would not enlist at 18 in a borough; a man is no use in a borough under 22 or 23.

2089. Is that the age at which you engage your men?—More than that; 25 years generally.

Mr. Cowper.

2090. Is it harder work in boroughs?—Always.

Mr. Gourley.

2091. Is that in consequence of your having so many public-houses in a borough which makes the work so much harder?—No, it is the hard pavement as much as anything which makes the walking harder, and they have to walk on night duty about 18 to 20 miles a night, and the sudden variations of temperature kills them, and being exposed two-thirds of their time to night air.

2092. You think that is injurious?—Certainly. During the last winter I had a serjeant who was as certainly killed by it as though he had been shot; he was taken home one night when the thermometer was down to 16 degrees below freezing point, and died in a few days.

2093. What advantage do you think would arise to the force if the pensions were made absolute instead of optional as at present?—I think the men would stay better than they do.

2094. Do you think you would get a better class of men?—I do not think we should get a better class of men to begin with, but that they would be likely to remain with more certainty after they had been in the force five or six years. Now there is a good deal of competition for policemen for railway servants and other things; people will take them even without being recommended.

2095. What advantage is there in their having been policemen?—They know everybody about the place, and from their methodical habits, the effect of discipline, they perform the duties better.

Mr. Gourley—continued.

2096. Why do you want to keep the men in the force?—A man at 10 years is a better policeman than a man at five; he has got more accustomed to his work.

2097. At what age do you give gratuities?—From five to 15 years' service I would give a month's pay for every complete year's service.

Colonel Dyott.

2098. I think you stated that your fund was established in 1853?—In 1853.

2099. You yourself have been in the force 11 years?—Yes.

2100. Your predecessor draws a pension of 100 l. a year?—Yes.

2101. He would have been contributing to the fund, perhaps, 10 years previous to his commencing to draw this pension of 100 l. a year?—Yes, about 11 years.

2102. He left in 1863 or 1864, did he not?—Yes, in 1864.

2103. Then he would have been contributing 11 years to this fund at the rate of $2\frac{1}{2}$ per cent. upon his pay, and retired upon a pension of 100 l. a year?—He did.

2104. You cannot therefore be surprised that this fund is insolvent?—I am not in the least surprised at it; but he had served 40 years.

Chairman.

2105. Properly, I suppose, his superannuation ought to have been charged upon the general fund?—There is no doubt of it.

Colonel Dyott.

2106. Either that, or that it should not have been granted at all; which do you think would have been the fairer thing for the ratepayers?—I cannot think that it should not have been granted after 40 years' service.

Chairman.

2107. It ought to have been shared by the borough, so that the whole of it should not have fallen upon the superannuation fund, but should have fallen upon the rates of the borough which had received his services?—Certainly.

Colonel Dyott.

2108. Do not you think it is a hard thing upon the other contributors to the fund who have been contributing since 1853, and who now find the fund is insolvent?—I do.

Chairman.

2109. Would you recommend that the persons who get pensions for short services upon medical certificate should report themselves?—Yes, up to a certain age. If a man was pensioned under 50 upon medical certificate, I would make him report himself up to 50 years of age.

2110. So that if he entirely recovered you would have the right to call upon him to return to a further service?—Exactly.

Mr.

Mr. GEORGE COCKSEDEGE.

Chairman.

2111. You are, I believe, Superintendent of the Hertfordshire Police?—I am.

2112. What length of service have you seen in the force?—I have been in the county of Hertford 34 years this month.

2113. Therefore, I suppose, you are able to speak very clearly with regard to the feelings of the men of the police force in Hertfordshire?—I think so.

2114. What do you think is the feeling with regard to the present system of superannuation?—Anything but satisfactory.

2115. What do the men complain of in regard to it?—They do not receive anything like the amount they think they are entitled to.

2116. The men complain of the rate of the pension which they at present receive?—That is the complaint.

2117. Do they receive that pension as a certainty upon completing 60 years of age?—No, certainly not; the men receive it if they are recommended by the chief constable, not without.

2118. That is to say, by Colonel Robertson?—Yes.

2119. And he recommends upon arrival at the age of 60?—Yes, or before, if they are disabled.

2120. And before that upon a medical certificate?—Yes.

2121. The men, as a body, think this system is not satisfactory?—I am quite certain about that.

2122. Can you speak with reference to the men wishing to establish any other system in its place?—No; it has not been talked over in the force. All these matters are left to the chief constable, and what he recommends is carried out, I believe.

2123. All you can say with regard to the matter is that the men themselves are dissatisfied with the present arrangement?—Yes.

2124. Have you heard the evidence of the last witnesses?—I have.

2125. You heard suggested in their evidence that a fixed period should entitle a man to claim a pension?—Yes.

2126. Do you believe that a change of that sort would be more satisfactory to the force?—I believe it would.

2127. That after a period of service they should be entitled to claim a pension?—Yes.

2128. And have you thought at all of the time at which a man should be entitled to claim a pension?—I think that if a policeman has been in the force for 20 years he should be entitled to half his pay.

2129. Would you raise that gradually, or would you leave a gap between that and the next period, namely, 25 years?—At 25 years' service I should suggest that the men should have two-thirds if they are 50 years old.

2130. But you would still combine the system of age with the length of service?—Most decidedly.

2131. That a man at 50, if he had served 25 years, should be able to claim as a right two-thirds of his pay?—Yes; two-thirds after 25 years' service would be satisfactory to all.

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Chairman—continued.

2132. Do you think that there would be any objection in the force to the suggested discretion of the magistrates as between a certain fixed point of minimum and maximum?—I do not think there would be.

2133. That in fact, that would be an inducement to the good conduct of the force?—I have not the slightest doubt of it.

2134. Do you think that men when they first join the force, consider the question of pension at all?—I am positive of it; I have had men come to me at Hertford to enlist, and they have asked me what pension they would be likely to get; I have told them, but it is very unsatisfactory, as it is not quite certain.

2135. You think, as the men go on contributing to the fund, they feel more interest in it?—They do; they do not desire to leave the force if there is any chance of getting a pension.

2136. They feel a certain amount of injustice in having to contribute to a fund upon which they have no absolute claim?—Yes, that is the feeling of all of them; I am quite sure of it.

2137. Do you think the men would consider it a hardship if they have to serve a certain time in any rank before they could claim a pension founded upon that rank?—No; I think that after 30 years they would be quite satisfied if they were told of it when they enlisted.

2138. At what age do they generally enlist men in your county?—From 20 to 30.

2139. You can by the Act enlist them up to 35 years of age?—Yes.

2140. But in general the force is recruited from very much younger men, is it not?—Yes, from 20 to 23; I have lots of men of that age.

2141. I imagine there would be no objection to a man's counting service, say at 20 years of age; that is, say that a man should not be allowed to count his service for superannuation until he had arrived at a certain age?—No, I believe not.

2142. You think there would be no objection in the force to a suggested limit of that kind?—No, I think not.

2143. Do the men feel at all in your force upon the point of carrying their services into other counties?—Some of them do, and the reason is that in some counties they get better pay; I find them vary; in some counties they get from 4 s. to 5 s. a week more than they do in others, with the same duties to perform.

2144. At present, if a man leaves a force in order to go into a more remunerative force, he loses his claim to the number of years' service which he has made towards his superannuation?—Yes, he does.

2145. If he leaves now on promotion, he has a right under the Act to take half his years' service, if he has been seven years in the force?—Yes.

2146. And you think the men are anxious that they should be allowed to carry their whole service?—I believe so.

2147. Is that on promotion as at present, or generally on leaving the service for any reason?—On promotion.

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2148. What

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Chairman—continued.

2148. What do you think is the feeling of the men; are they anxious that a change should be made in that respect?—It would be for the sake of bettering themselves, but we have never had a constable leave our force to join another.

2149. You are a very peculiar sort of force in Hertfordshire, a sort of family?—It is a very efficient force.

2150. I have no doubt of that, but you select men from the county, do you not?—We do: Colonel Robertson selects all of them from the county.

2151. The men very seldom change, I believe?—No, the men do not leave two in a year, I believe; they are anxious to get better paid, and they would like to get paid as they are in other counties.

2152. But at the same time satisfied as they are with the service, because they remain in it, you think they have a grievance against the present system of pension?—That is the grievance.

2153. Have you heard at all in the force of any anxiety of the men for a change in that present regulation, with regard to children not being able to take the gratuity in case of the death of a constable?—No, it has not been talked over in my presence.

2154. I understand you to say that the complaint of the men is the want of certainty in their pension, and that you think they would be satisfied with a superannuation fund, which would furnish a pension on service at a given period, according to the scale that you have suggested?—I am quite certain of it.

Mr. Scourfield.

2155. Have you had any increased difficulty in procuring recruits for your force?—Not in the least, I believe.

2156. Is the rate of pay as much in Hertfordshire as in Cambridgeshire?—No, not so much, nor as in Essex; a first-class constable in Essex gets 27 s., and in Hertfordshire a first-class constables get 23 s., and the superintendents vary from 40 l. to 50 l. between the two counties. I have been in the county 34 years. I have been a superintendent for 19 years, and I know that some superintendents in Essex get 50 l. a year more than I do.

2157. Have some of your men a tendency to leave your county for the county of Essex, to get better pay?—No; if they did, I fancy the chief constable would not like the men to leave his force.

Mr. Cowper.

2158. Did you say there was an amount of dissatisfaction in regard to the pension as well

Mr. Cowper—continued.

as the rate of pay?—Yes; the policemen would be satisfied in Hertfordshire if they could be paid as much as in other counties.

2159. But are the men satisfied with the proportion of pension that they receive at the present time?—No, they are not satisfied.

2160. What is the utmost a man gets in Hertfordshire?—I have known men pensioned off after 25 years' service at 13 s. a-week.

2161. What was their pay when they were in the service?—From 19 s. to 20 s., and 23 s. a-week.

2162. That would be about two-thirds of their salary?—No; they would get 9 s. or 10 s. a-week if they had been receiving a guinea a-week previously.

2163. The men in Hertfordshire do not pay 2½ per cent., do they; they only pay 1½?—That is all.

Mr. Gourley.

2164. How do you know that the men are satisfied with the present system of administering the superannuation fund?—Because they have told me.

2165. You have had meetings with them?—Yes, times out of number, with those men who have been pensioned off.

2166. Do you find that the question of superannuation enters into consideration with the men when they engage themselves?—Yes, they ask about the superannuation; I have had scores since I have been in the county who have asked about it.

2167. In the event of your getting a fixed system of superannuation, would you be able to get men at a lower rate of wage?—I do not think I would.

2168. You would not be able to get them at 2½ per cent. less?—I do not think so.

2169. What sort of men do you get in your county?—Some farm bailiffs, some shoemakers, some labourers, some of all sorts; we have soldier-pensioners, in fact, we have different sorts.

Chairman.

2170. Have you got any pensioners from the metropolitan force, in your force?—No, we have not.

Mr. Cowper.

2171. Among your number of pensioners are there any who are over 25 years' service?—I cannot speak to that; I recollect one who was pensioned off; he joined the force 34 years ago, and he has got about 70 l. a-year, and he is quite satisfied with that, because his salary was 105 l., but the other men, as a rule, are not satisfied.

Mr. WILLIAM STOKER, called in; and Examined.

Mr. Stoker.

Chairman.

2172. You are the Superintendent of the Northamptonshire Police, I believe?—Yes; I am one of the superintendents and deputy chief constable.

2173. The force of Northamptonshire consists of about 119 men, does it not?—There has been an increase lately. It is about 130 now; it was 119.

Chairman—continued.

2174. That is a very recent increase, is it not?—It is.

2175. Your contributions to the superannuation fund, I think, are at the maximum of 2½ per cent.?—They are.

2176. Can you speak to the feelings of the constables of your force with regard to the present system of superannuation?—I can. The men are very

Chairman—continued.

very much dissatisfied with the present system, because of the uncertainty of it.

2177. The uncertainty of the present system is very much complained of by the constables generally in your force?—Yes; the prospect of pension is so remote that the men do not calculate upon it; that is to say, on attaining the age of 60 years.

2178. That is, that they have now to wait until they are invalided, or till they are 60 years old, before they can be recommended for pension, and as even then there is a certain amount of uncertainty about it, they think it a hardship?—Yes, they do.

2179. The men ask for a change?—Yes.

2180. Can you tell the Committee whether the men and officers of your force have considered what that change should be?—There is some difference on that point. I believe the feeling of the constables generally is in favour of a pension after 21 years' service, but I do not go quite so far as that myself. I think that a pension after 25 years' service would be a fair and reasonable length of time.

2181. After 25 years' service you think that a man should be entitled to claim a pension as a right?—I do, and irrespective of age.

2182. Upon what scale do you think a pension should be granted?—I think that there should be a certain margin left in the case of a good constable; that is to say, as between an efficient and an inefficient man. I think if you allow a scale of from one-half, and not to exceed two-thirds, after 25 years' service, and leave it discretionary with the magistrate as to the sum between those two points, that would be the best plan to adopt.

2183. You would suggest that up to 25 years' service the pension should remain very much as at present; that the men should be entitled to be pensioned upon certificate?—Yes.

2184. You would fix the scale upon which the pension should be given?—I think the present scale is a very fair scale. If a man is declared unfit for duty, I would make his pension compulsory instead of discretionary.

2185. You think that a man should be entitled, after 25 years, to a pension of not less than half, and not more than two-thirds?—Yes, after that time I think the pension should be increased every year by one-twentieth of his annual pay.

2186. Up to what period would you carry that?—That would bring a man to three-fourths at 30 years' service, as nearly as possible.

2187. That the maximum amount of pension he should be entitled to receive at that time should be three-fourths?—Yes; but I think if you will allow me to suggest that a gratuity might be granted to a man who is not declared unfit for service, but who had completed 20 or 21 years' service, if he chose to leave. I think that would relieve the fund, and allow a man sometimes to leave for his own benefit and that of the fund.

2188. If a man left the force at 21 years' service, not having completed the number of years that you mention, you suggest that he should be considered a fit subject for receiving a gratuity?—Yes, quite so.

2189. Do you think that the men would object to what I asked the last witness, namely, to a certain number of years' service in any particular 0.94.

Chairman—continued.

rank before they could take a pension upon the pay of that rank?—I think the pension should be calculated upon his average annual pay for the five years preceding his being pensioned.

2190. You think that the pension should be calculated upon an average, not of the whole of the years' service that he claims, but of the last five years' service?—Quite so; say a man was promoted to be superintendent, his pension should be calculated upon the pay of the five years preceding his being discharged.

2191. Is there much difficulty in recruiting men in your force?—Yes, there is.

2192. What is the rate of pay in your force?—We commence at 20s. a week for constables.

2193. And what do they rise to?—Twenty-five shillings is the highest pay for constables.

2194. I suppose the rising is by merit?—Yes.

2195. What is the average rate of wages of the district around you?—In my particular neighbourhood we have a good deal of ironstone work going on, and men can average about 28s. a week at it; by agricultural labour about 18s. a week.

2196. Do you find men change their service in the force rapidly?—Yes; I find from the memorandum which the chief constable supplied me with, that we have now 78 men under 10 years' service.

2197. Can you state how many men out of the force of 119 are of two years' service only?—No, I cannot. I believe there are 48 men under five years, but I did not go so low as two years.

2198. Do you find that changes take place in the men as far up as 10 years' service?—No. I think that when a man has exceeded seven or eight years he rarely leaves us; it is more amongst the men under five years that the changes take place.

2199. The changes are more under five years, and the other men continue in the service; is that so?—Yes.

2200. Do you think that the present system of pension has much to do with that?—No, I do not think that it has, but by that time they are getting more pay, and have settled down to their work; but I think that when a man joins he sometimes does not exactly understand the nature of his work; and when he finds it is not what he expected he leaves it.

2201. You think that he leaves more from being dissatisfied with the duty than anything else?—Yes.

2202. Do you think that a system such as you have suggested would tend to keep men in the force?—I am quite sure that it would.

2203. Do you think it would tend to get better men to belong to it?—I think we should get a better class of recruits.

2204. In what way are the recruits not as satisfactory as you would wish?—They are not such good men as we used to have.

2205. Is that because they are younger men, or in what way?—I think there is more demand for men and better pay for them elsewhere, and another thing is, I think, that the policeman's duty is not popular; there are a variety of Acts of Parliament which he has to carry out, not only with regard to the criminal classes, but various Acts of Parliament, such as the Contagious Diseases

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Diseases (Animals) and the Licensing Acts, and the Acts regulating weights and measures, which bring them in contact with men who are really not criminals, and make them unpopular; it brings them in contact with the more respectable classes, and it makes their life very irksome to them if they happen to summon one of them or offend them.

2206. In your opinion, would the inducement of pension at all alter that state of things?—I think if a man had a certain prospect of retirement and pension, it would overcome that feeling.

2207. Do your men attach any importance to the question which I asked the last witness, of carrying their service into other forces?—That does not apply to counties so much as to boroughs; I think a man on promotion should carry his full service with him.

2208. Not according to the present Act, which limits it to half?—No.

2209. Could you suggest any alteration in the law at all, with reference to the time he should have served; at present he should have served seven years in order to count at all?—I think he ought to carry his full service when he leaves, if he leaves on promotion.

2210. You would do away with the limit which at present exists with reference to the period of service?—Yes.

2211. Do you think, speaking for the force, that that is their feeling also?—I think so, although I do not think that affects counties much, as I said before; we have not many instances in which men leave us; it is more where they go to be head superintendents or constables of boroughs; there is not much promotion from one county to another.

2212. Is there any other point which you wish to mention to the Committee?—Only with regard to the fund itself: our fund now amounts to 5,374*l.*; the receipts last year were 458*l.* and the expenditure was 240*l.*; we have five pensioners, but I expect at the next quarter sessions there will be an application for the superannuation of a constable and a superintendent, which will no doubt involve a heavy payment, perhaps of 100*l.* a year, so that I think the fund is hardly in a satisfactory state. An inspector will also resign in October next.

2213. You yourself, therefore, knowing the circumstances of the fund in your district, do not believe that it could sustain the strain which will be put upon it?—I do not think, if the pensions went on upon the present system, that the fund would fail, at all events not for several years, but if there is an increase made in the amounts granted I think it would fail.

2214. Under the system that you have suggested you have no doubt there might be an increased strain upon the fund?—I have no doubt of that whatever.

2215. Have you thought how the fund might be strengthened?—I think that all fees for the service of summonses and the execution of warrants, and also the whole of the penalties in the cases in which the police were informers, should be paid to the credit of the fund.

2216. You think that the fees which are at present paid in boroughs should be paid in counties?—Yes, and all fees under Weight and Measures Act and the Contagious Diseases (Animals) Act, and the Petroleum Act, should be applied

Chairman—continued.

to the superannuation fund which are now applied to the rates.

2217. You think that in all cases the earnings of the police as informers should be paid to the fund?—Yes, I do.

2218. In order to meet any strain which might be put upon it from this altered scale?—Yes.

2219. I suppose you urge that because unless the fund is in a satisfactory state the question of pensions might be a grievance to the ratepayers?—Yes. I think it is desirable not to come upon the ratepayers if possible; it is better to meet the claims in this way.

2220. You think, the fund being in existence, the men find it stands between them and the rates, and it does not seem such a hardship when the pension is granted?—It does not.

2221. Then therefore there is a greater certainty about it?—Quite so.

2222. With regard to men being killed in the service, I think you agree that a gratuity should be given to the children in case there was no widow?—Yes, and also I think it is a question whether the gratuity should not be paid out of the rates.

2223. Your opinion is, that in case a man is killed in the service, the gratuity which is now given to the widow should, in case there be no widow, be continued to the children and charged not upon the superannuation fund, but upon the rates?—Yes, that is my opinion.

2224. The other gratuities you would leave to be paid out of the fund?—Yes.

Mr. Scourfield.

2225. Do you think there is any advantage in giving a man an increased retiring rate after 25 years?—I do.

2226. Would you wish to retain men in the service after 25 years' service?—I think you may get inspectors or superintendents, whose work is not, perhaps, physically so hard as that of a constable's, and it would be desirable to retain him.

2227. Would you have an intermediate gradation between 25 and lower than 25 years; at what period would you commence retiring pensions?—A man should not be able to claim one with less than 25 years' service. I believe there is a very strong feeling that it ought to be earlier; but I think if you gave a man a chance of a gratuity, if he thought proper to retire after a shorter service, that perhaps might meet the wishes of some men.

2228. You mentioned fines and penalties, what is the amount received generally by the county for hawkers' and pedlars' licenses?—I can scarcely tell what it is. I find the sum received in 1874 was 87,000*l.*; expenses incurred 10,000*l.*; leaving a profit of 77,000*l.*

2229. It is a considerable sum?—I think it was about 30*l.* or 40*l.* last year.

2230. Would you suggest that that money should be applied to the fund?—Yes, after paying the necessary expenses.

Mr. Gourley.

2231. How many years' service do you consider a superintendent good for?—It is rather a difficult question to answer, it depends so much upon a man's constitution.

2232. You have stated that men are good for 25 years' service?—Yes; I think that if you provide a pension in the case of ill-health previous

to

Mr. Gourley—continued.

to that time, it is a fair term of service to fix for giving a man a claim to pension.

2233. What pensions would you propose to give a superintendent?—Half his pay; it should be on the same scale as the men.

Mr. Fairfax Cartwright.

2234. Are the men who have got pensions satisfied with the rate at which they have been superannuated?—Yes, I consider they are; the pensions have been very liberal.

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Mr. THOMAS FELL MOLYNEUX, called in; and Examined.

Chairman.

2235. I BELIEVE you are the Editor of the "Police Guardian"?—I am.

2236. And as such you have had a great deal to do with the police throughout the country?—I have had a great deal to do with them throughout the country; most of the complaints with regard to superannuation have been made to me; we have had a host of correspondence upon this very subject for years, and I can safely say that the forces have lost a great number of men annually in consequence of this question not having been settled.

2237. Do you speak with regard to that from your knowledge of the correspondence which has been before you?—From personal knowledge of the correspondence which has been sent to me.

2238. From that you have seen evidence that the present system of superannuation is not satisfactory to the men as a body throughout the country?—I have seen evidence of it, and I am certain it is thoroughly unsatisfactory; I am speaking more especially of constables, serjeants, inspectors, and superintendents.

2239. But generally throughout the force there is a feeling that the present system is not one that they can rely upon?—There is a very intense feeling of dissatisfaction.

2240. Do you find that from your knowledge of the different forces, the men change rapidly?—The men change for the sake of the higher wages principally, but I believe that many would stay if they could feel sure that their superannuation was certain.

2241. In fact, from your experience, you believe that the efficiency of the force is injured in consequence?—Yes, it is risked entirely in consequence of this question of superannuation, nothing being settled; they feel that it should be settled at once; they have made so many applications. A year or two ago we had a deputation to the Home Secretary; last year again we had a deputation to the Home Secretary; several meetings have been held all over the country, one was held at the Cannon-street Hotel, and another at Birmingham.

2242. All those meetings were got up, I presume, by representative men of the different forces?—Yes, they were all representative men of the different forces from the highest to the lowest.

2243. Can you state that those meetings expressed generally the same opinions with regard to dealing with the funds that you have done?—Yes, they expressed an opinion that the funds were not satisfactory.

2244. What are the reasons you can give for that opinion?—The men feel that they should be able to claim a certain pension after a certain amount of service; that that should be quite irrespective of recommendation, infirmity, sickness, or medical certificate; they feel that they

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Chairman—continued.

should have an absolute claim after 20 years' service; that is the feeling of the constables, serjeants, inspectors, and superintendents of both counties and boroughs.

2245. The feeling is, that after 21 years' service, they should have a right to claim a retiring pension?—Yes, a few weeks ago, they had a very large conference at Birmingham upon the subject, and they proposed then (they were mostly superintendents) that the claim should be after 25 years. Immediately after we published that, we had a flood of correspondence in which the constables said, if the period is not to be 20 years, half the men will leave the force; we consider that 20 years is a sufficient time to serve to entitle us to pension, and if the 20 years is not fixed, we will certainly not remain.

2246. Do you think the men attach any importance to the question of the scale of pension that they are to receive at that fixed time?—Yes, after 15 years they wish to retire on one-half; they consider that at the end of 20 years they should be entitled to claim three-quarters of their pay.

2247. This is the result of the correspondence which has gone through your hands?—Yes, there has been a continual agitation during the last five years.

2248. You think that represents a wish on the part of the force, that after 15 years' service they should be entitled to claim a pension?—Yes, that is the opinion of about 30,000 constables, that after 15 years' service, half the pay should be given as pension; after 20 years, three-fourths, and after 25 years the whole of their pay, irrespective of any medical infirmity, recommendation or any other condition.

2249. Then according to that, as I understand you now, the men claim something more than what I first understood you to say; they claim the right to superannuation, not at 20 years, but at 15 years, only at a more moderate rate?—The men would wish to claim at 15 years, but the more general idea is to claim after 20 years.

2250. You think that the men are not satisfied with the present scale under which they may take a pension after 15 years' service on medical certificate, if incapacitated?—No, they wish to be entitled to claim irrespective of any condition; they do not wish the claim to be hampered by any condition whatever; they wish, after 20 years' service, to claim a right to a pension absolutely.

2251. You have now stated again that after 20 years they wish to have a right to claim a pension. Then I quite understand the fixed period at which they claim a right to retire to be 20 years' service; you at first stated that you believed that the force generally wished to have the right to retire at 15 years?—Yes; but the wish for the right to claim a pension at 15 years is not so general as with regard to 20 years.

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(Chairman—continued.

2252. You believe the general dissatisfaction with regard to the present scale of pensions in the force would be met by an alteration which would give them the right of retiring from the force after completing 20 years' service?—It would allay the feeling entirely. I have not the least doubt that you would retain the best men in the service; and you would not require so many recruits. I believe all the forces would be rapidly filled, and it would save the expense and burden upon the ratepayers of the training of new men.

2253. Do you think the men would continue in the force after 20 years' service if they had the right to retire?—I should think that three-fourths of them would go.

2254. You think that they would retire upon the then earned pension?—I think so.

2255. Do you think that a constable, when he has served 20 years, has entirely exhausted his power and usefulness in the way of performing the duties of a constable?—Some, not others; it depends upon their constitutions.

2256. Then you do not think a scheme under which you would encourage men to remain any longer than 20 years' service, by holding out a pension for a further period of service, would be satisfactory to the men?—Yes; I believe you would train up thoroughly experienced men under such a system. In country districts and counties, policemen have to do entirely different duties from those in the metropolis: a policeman has to be a little bit of a lawyer; he has to get himself up in the Licensing Acts, and in the Bastardy Acts, and do various little duties for the village where he is stationed; so that after several years he would become of more value, and would endeavour to remain in the force if inducements were held out to him to remain after 20 years.

2257. Have any other points been pressed upon your notice in this correspondence, besides the question of a fixed claim for service pension; do you think the men feel strongly upon that point as to which I have asked the other witnesses, namely, with regard to transferring their service to different forces?—Very strongly; they all feel that they should take the whole of their service with them.

2258. That the present Act, which only allows them to take half service, after seven years in a certain rank, should be extended to the whole?—Yes, they consider the half service a very great hardship, and they think that there should be no bar to their getting on in life, and getting any better situation they can find.

2259. They say that it is a great hardship where they are promoted for what may be called the public service and public interest, that they should lose the years they have served in a previous force if they have not served seven years, and if they have, that they should lose half of their service?—They consider it a very great hardship indeed.

2260. Do you think that the feeling amongst the men would extend that desire to carry the service beyond the question of promotion, that is to say, when they merely change from one service and go to another?—They wish to carry the whole of their service with them.

2261. There are two distinct classes; one includes the men who leave the force and enlist in

Chairman—continued.

another force, and the other the men who are promoted from one force to another force. By the present law, the man who leaves one force and enlists in another carries nothing with him of his service whatever, and the man who is promoted has a right to carry half his service with him?—You could hardly make such a measure work, and there would be very few promotions, because a man would be afraid to apply for leave; a county constable would be afraid to go to the chief constable and say, "I wish to take a situation in a borough force; I shall go from a constable's place to a serjeant's place." Very few promotions of that class do take place, and there are very few promotions from one county to another. I never hardly heard of a constable being promoted from one county force to another.

2262. It is mostly confined, I suppose, to superintendents being promoted to head constables?—To superintendents being promoted to be head constables of boroughs.

2263. What the constables wish is, to carry with them their full service?—Yes, they wish the service left free; they think a man of experience should have the world open to him.

2264. But looking at it from the point of view from which you have also considered it, which is the efficiency of the police force, do you think it would be advantageous to the public, or to the ratepayers who maintain the force, that they should be contributing to the superannuation of a man who was a rolling-stone going from force to force?—I do not think in the long run it would matter, because it would find its own level; all good situations would be filled up, and would all be closed.

2265. Upon which fund do you propose to charge the back years of service?—I think the service might be spread over the forces in which men have been serving; I think that seems most reasonable.

2266. In granting this pension would you make it unconditional, or should the pension for service be conditional on good conduct?—That is a very important question. I think that a man should not be discharged, thereby losing his pension, unless he had been convicted before a bench of magistrates.

2267. With regard to matters which relate simply to the discipline and organisation of a force, such as cases of drunkenness, for instance, do you think that they should not prejudice a man with regard to his pension?—Not in slight cases of drunkenness. I think that if a man is drunk fine him; fine him double if you like, because as a policeman he should know better, but I do not think he should suffer more than an ordinary person; there are lots of members of society who get a little elevated sometimes. I think it is rather hard that a man should be dismissed for a single case of drunkenness, and thereby lose his pension.

2268. What are the present regulations with regard to discipline?—The men are fined for drunkenness, and I think the fine might be continued; of course, if a man is constantly drunk he cannot stay in the force; but I think there should be a sort of court of appeal, say to the quarter sessions in counties, so that a man should not feel that he was dealt arbitrarily with, by being dismissed without any reason being assigned.

2269. At

Chairman—continued.

2269. At present the discipline of the force rests with the chief constables in counties, and with the head constables in boroughs, does it not?—The discipline of the force rests more with the chief constables of counties than with the head constables in boroughs, because in boroughs the watch committees exercise a power of supervision over police matters. A chief constable of a county may dismiss a man summarily, and he may want to get into another situation; the chief constable may say, "I dismiss you; that is enough; I do not choose to give you any reason for doing so," and that man is prevented from getting any other employment, because he cannot get a certificate as to character. I have known instances in which certificates have been refused, and where testimonials have had comments written on them by the chief constable, so that a man has been prevented from getting any employment, and has become an outcast.

2270. As I understand your suggestion at present, it is that the future history of county forces should be placed very much in the position that it is I believe under the regulations of watch committees; that is, that the constables in counties should not be subject to dismissal without the sanction of the police committee?—I think there should be a sort of court of appeal; because, take the case of a county superintendent, he may have served through all the grades; he may have served through the grade of constable, he may have served through the grades of serjeant, inspector, and superintendent; he may then incur the displeasure of his chief constable, and be dismissed; he has no appeal, and he loses his long years of service. In the counties at the present moment the police committees have not the slightest power over the chief constable, who can dismiss an officer, whether they approve of his decision, or not. They have no power whatever over their chief constables. The counties cannot speak for themselves, and you would, perhaps, never have heard of the case had I not alluded to it. I think that the magistrates of counties should exercise the supreme power over their police forces.

Colonel Dyott.

2271. Do you mean to say that the magistrates in counties now exercise no power over the chief constable?—There have been several cases of that kind.

2272. A man may appeal, may he not?—No, under the Act if your chief constable chooses to dismiss a man you cannot keep him on, however desirous you may be of doing so.

Chairman.

2273. In that way they differ from watch committees of boroughs; the watch committees insist upon the faults of the men being brought before them, so that they may judge as to the propriety of their dismissal; is not that so?—It is the strong feeling in counties upon this matter which loses them so many men; the feeling prevails, I know, although it is not expressed.

2274. You say that the counties lose a large number of men who go to boroughs; is not that very much induced by the fact that boroughs pay very much higher wages than counties do?—Some boroughs pay better than others, but some of the counties pay very well.

2275. But the rate of wage is not fixed for the 0.94.

Chairman—continued.

boroughs universally?—No, there is no limit fixed universally.

2276. There is a power in the Secretary of State to regulate the county pay equally throughout England?—Yes.

2277. And he has not power to regulate the borough rates of pay, but exemptions have been granted in most cases to alter the rates of pay, owing to special circumstances?—Yes, I think that has been so.

2278. Have any complaints been made to you with reference to the condition of the existing superannuation fund itself?—Complaints have not been made so much in regard to that as to the system of pensioning.

2279. Do you think the men themselves feel afraid that the superannuation funds will become exhausted, and that their pensions will be brought directly upon the rates?—There is very great fear of that in some places.

2280. Does that fear exist more largely in boroughs than in counties?—That feeling prevails in certain boroughs.

2281. I believe there are many of them almost applying to the rates for relief at present?—Yes.

2282. Do you think the funds could be assisted so as to make them self-supporting?—If the whole of the penalties were paid, I dare say that that would assist them; but my idea is, that the whole of the funds should be received and paid into the Treasury, and that the Government should take charge of the funds if it could be done.

2283. You would suggest that the Government should form the superannuation fund of the force, as has been done in India?—Yes.

2284. In India during the last few years the Government have taken charge of the superannuation fund and administered it?—Yes, they have.

2285. Would you suggest that it should be thrown entirely upon the Government to pay the pensions of the force throughout the country?—I would suggest that the whole of the receipts should be thrown into the Treasury in the case of the metropolis, and in boroughs and counties, and that in the case of the City of London they should be paid to the City Chamberlain.

2286. That leads me to the question, what receipts would you hand over to the Treasury?—I would take the receipts that you have had evidence upon, namely, the contributions of 2½ per cent., the moiety of fines and the fees for the service of summonses, and so on.

2287. Do you propose to deal at all with the contributions which now go to the fund from penalties gained by the police as informers under certain Acts, and also in boroughs from the amount that is gained by the service of summonses and the execution of warrants?—I think all these things should be consolidated into one general fund.

2288. Which fund should be paid in for the time being to the Treasury?—Yes, it should be paid in for the time being to the Treasury.

Colonel Dyott.

2289. The men are afraid of coming on the rates, are they?—There are many things bearing upon this point. In the case of a town the watch committee are selected from the tradesmen

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people of the town. One of the committee may keep a public-house or may be a brewer, and a policeman may get a conviction against a man sitting on the watch committee; that policeman may be had up at once for a small offence and he may be dismissed.

Chairman.

2290. Does not that go against your suggestion that you would give that power of appeal in the counties?—It cuts both ways.

2291. Because if it is true as regards watch committees, it might apply equally the other way?—There was a case the other day in which a policeman resigned, because he was afraid he might offend one of the watch committee.

2292. How would you deal, supposing this scale which you have suggested, is established with the old officers of the force?—I would deal with them retrospectively; I think that legislation of this kind should take them all in, because those officers who have remained in the service have been the backbone of the service.

2293. In certain cases in boroughs where men have been enlisted at an advanced period of life, of which there are many instances, they would under this fixed period of service be a long time before they arrived at their 25 years' service, and therefore be at a disadvantage as compared with younger men?—Yes, but they all think that service, and not age, should entitle to pension.

2294. But suppose a man enlisted in a borough force at 40 years of age, and had now been 10 or 11 years in the force, he would be at a disadvantage in claiming upon the 25 years' system, which you set up against a younger man who had enlisted in the force?—Yes, but they would all like to be upon a par; they would chance that.

2295. Have any complaints come before you with regard to the payment of gratuities upon the death of a constable?—I think the men would like the gratuity to be paid, if there was no widow, to the children or to the father or mother. I know a great many cases where constables are the only support of an aged father or mother, and then the parent, for whom they have been working for a number of years, and have been maintaining comfortably and decently, when they die, must go into the workhouse.

2296. You think that the gratuity should be able by law to be paid to a relation, instead of, as now, only to the widow?—Yes, I think it should be payable to widow, children, father, or mother.

2297. It would be only altering the discretion which now rests with the watch committee, to grant a gratuity to a widow, by enabling them to extend it to any other person?—Yes, I do not think there would be any abuse of that power at all.

2298. But the present complaint is simply that the magistrates' hands are tied down to granting this annuity to one person, and that is the widow?—Yes, they would like it to be extended to children, father, or mother.

2299. That would be in the discretion of the magistrates, and therefore your aim would be attained by removing the limit which confines it to the widow?—Yes, by simply removing the limit.

2300. Has it come before you at all that there is any complaint with regard to men pensioned on

Chairman—continued.

a superannuation allowance, upon medical certificate probably, and who then dies suddenly, losing his pension?—It occurs occasionally. I heard of a case in which a man was superannuated and died two or three weeks after his superannuation; his widow would consequently lose all means of support; that man would have received only 3*l.* or 4*l.*, whereas if a gratuity could have afterwards been given, the widow would have had perhaps 70*l.* or 80*l.* I think that within twelve months the watch committee or police committee should have an opportunity of reconsidering their decision in such a case.

2301. You think the watch committee should have the opportunity of reconsidering the pension granted to a man if he died within 12 months, with a view of converting it into a gratuity?—Within 12 months.

2302. Have you considered that point with regard to the short services of men who are pensioned for incapacity upon medical certificate, namely, whether it would not be advisable that they should appear and report themselves after a certain period?—I do not think the men would like it; it might be advisable, but I do not think they would care about it.

2303. You do not think you would have the period fixed when a man who is pensioned upon a medical certificate after a very short period of service, before he could claim his right to a retiring pension, should be bound to report himself in order to show that the illness upon which he got his pension was really continuing?—I think that would be very fair with regard to merely temporary illness which they might get over.

2304. You believe that the men themselves would prefer the centralisation of the fund in the way you have suggested?—I am certain of it; they would have more confidence, and I think it would consolidate the whole thing.

2305. Does not that go a little beyond our question; does not it refer to the whole question of police?—I do not think so. If you were to attempt to consolidate the whole of the forces, I think every county and every borough would be up in arms. I never would propose that, because I think many of the county and borough forces are worked most efficiently; but I think, so far as the superannuation fund is concerned, we might have a paternal Government which would look after these funds for the men, and encourage them; they seem to feel a great deal of confidence in the Government taking the matter up.

2306. As long as they obtain the point they are asking for, the other point is a matter of administration?—Yes; I think many of the boroughs are very efficiently managed, and so are the counties; the closer you get men together the better you can control them.

2307. Is there any other point which you would wish to mention to the Committee?—We have had several cases of men being killed in the execution of their duties. In cases of strikes and riots they are exposed to great contingencies, and the men seem to think that if a man is very severely injured, if he is injured for life, he should be superannuated upon full pay.

2308. At present, I believe, in the metropolitan force there is a power of considering that question?—I think there is, but they would like to be able to claim it in this respect; they receive

Chairman—continued.

ceive very serious injuries sometimes; kicks in the groin, and all sorts of injuries.

2309. At the same time those are all subject to medical certificate?—They are all subject to medical certificate.

2310. The system at present existing contemplate all the different scales of injuries, and there is power to grant very large gratuities, even up to full pay?—I do not complain of that so much as of the period of service. Then as regards widows and children; I think there were three cases of constables killed in the north just recently, and I think something might be done for the widows and children of such men.

2311. Something beyond the gratuity which you have talked of?—I think so; I think it would encourage men to act courageously in time of danger. Men are called upon very suddenly to act; they may find themselves with two or three burglars to tackle suddenly in the dead of night.

2312. As far as the widow is concerned, that is contemplated at present; but you would suggest that the gratuity should be extended to other relations?—I think there should be some little payment made annually to the widow of a man who had absolutely lost his life in the service.

2313. You would suggest that the gratuity should take the form of an annual payment?—I think it would be better in the shape of an annual payment in case of loss of life; I think it would encourage the force if there was an annual payment to the widow in case of a man losing his life in pursuing his duty. The feeling is, that a man may remain a few years in the police force and lose his life, and then he is gone, with none to care for his wife and family.

2314. Excepting there is this claim for gratuity?—It is a feeling prevalent amongst the police that they are rather neglected, and that they may be exposed to all sorts of dangers and receive no consideration. They feel that they are exposed more than an ordinary man in his ordinary avocation as a workman.

2315. That is to say, there are complaints from the police force; I do not suppose it is a general feeling of dissatisfaction?—It is throughout the force; they feel that their lives are at imminent risk very often; they are hard worked, and they feel that they should receive some consideration on that account. The police superannuation question led to the *furor* there was with the metropolitan police; in that case there was a number of men who had been pensioned at the end of 15 years. At the time of the Exhibition a large number of constables were taken on, and when the Exhibition was over those police constables were about to be discharged, but upon signing a conditional agreement that they would not claim until they had done 30 years' service, those men were kept on, and there we had two classes; we had a man who could be pensioned at 15 years' service, and another man walking by his side who would not get any pension till he had served 30 years, and the consequence was that there was great disagreement, which led to all those meetings. I was present at one meeting at the Cannon-street Hotel where there were about 3,000 police constables, and it was quite a wonder that the whole of the metropolitan police force were not on strike; if they had not been

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Chairman—continued.

reasoned with, I think they would have been on strike.

2316. That was on account of the uncertainty with regard to pensions?—Nothing else but on account of the uncertainty.

2317. The men are dissatisfied with the present scale, and they ask that the system of superannuation should be put upon a more definite basis, and that they should be entitled to pension after 20 years' service?—Yes, the men ask to claim after 20 years, three-fourths of their pay, and they feel strongly that 20 years should be the limit of service, at the end of which they may claim, not 25 years.

2318. And instead of what has been put before the Committee by other witnesses generally, that 25 years was the period at which this claim should be given, they represent generally that it should be earlier?—The force consider that 20 years is quite long enough. We held a meeting at Birmingham and settled that it should be 25 years. When we published the results of the meeting we were inundated with correspondence, saying that if the term was 25 years the men would leave at once in large numbers. It is a different thing serving as a superintendent to serving as a constable.

2319. But the constable has always got a superintendentship to look forward to?—Yes, that is true.

2320. When he is made superintendent then he changes his opinion, perhaps?—Probably he changes his opinion.

Mr. Torr.

2321. Is yours a London publication?—It is published at Windsor.

2322. How long has this paper been in existence?—I have been connected with police journals for about seven years. The paper is bound to hear all the grievances, because a man can publish a letter without signing his real name, and he does not get into trouble, but can air his grievance securely. A constable would not go to his chief constable and say, I do not like this and I do not like that, but through a class newspaper you are sure to hear class grievances. I know this feeling has been prevalent for years, and I believe honestly that if a good system of superannuation were carried out, the whole thing would collapse and the men would be satisfied, and you would have a most splendid police force. It is a very simple question.

2323. Are the bulk of communications made to your paper from the metropolitan police?—They are made from the metropolitan and provincial police; principally the provincial police.

2324. You have given very decided opinions upon all police matters; have you formed those opinions from the metropolitan police principally?—No; they have been gathered principally from the provincial police, but I have come in contact with a great many of the metropolitan police.

2325. The Committee have had superintendents and head policemen and inspectors from many of the centres in the kingdom, and if their information differs from yours, would it not imply that you have derived your information chiefly from the metropolitan police?—No; you have derived your information from chief constables and head constables, but you have had very few men who have risen from the rank and file.

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file. They have been principally military men who have not been constables, and therefore could not know the feeling of being a constable.

2326. Is your paper open to complaints of all sorts?—Reasonable complaints, but this matter has been so prominent that it could not be ignored; it was a matter upon which the welfare of the police depended, and therefore bound to be talked about.

2327. It was the matter upon which the bulk of the complaints depended, was it not?—Not entirely; but we have had many thousand letters of complaint.

2328. I wished to know whether your paper was open to complaints on all subjects?—Yes, it is.

2329. Therefore, would not your paper be principally open to those men who were dissatisfied, that is to say, men with a grievance?—They are very reasonable men indeed, who may have no other question to raise; but, with regard to this question of superannuation, it pervades the whole of the ranks as well as those who have risen from the rank of constable; it is the superannuation question which unsettles the police.

2330. I do not wish to detract from the value of your publication, but we must try to get at the value of your communications from the parties communicating them; do you often receive communications from men who are well satisfied with the force?—Very few are satisfied, on account of the present superannuation system.

2331. But you would not say that there are no men in the force who are well satisfied with the present state of things?—I never came across one who was well satisfied with regard to superannuation, at all events. The question of superannuation seems to be a fair and simple question, and one which may be fairly ventilated without interfering with discipline.

2332. You tell the Committee that that is a simple question, easily dealt with, and you tell the Committee that there is almost a universal feeling in the force that nothing less would satisfy them than the power to retire after 20 years' service, with three-fourths of their pay, and if they remained till 25 years that they should retire on full pay?—It is the almost universal feeling of the force of about 30,000 constables.

2333. We have not had yet before us ordinary constables, but we have had the three inspectors of the kingdom; the inspector for the southern district, Captain Willis; the inspector for the midland district, Colonel Cobbe; and the inspector for the northern district, Captain Elgee; those three men have under them the entire force of England?—But they have never received the letters that we do.

2334. Therefore, again I say, it is the men who are well satisfied who never write to you?—A number of men who are well satisfied with their position in other respects write to us about the position of the superannuation fund; men who would say, "We shall stay in the service all our lifetime, but we wish that these things should be settled."

2335. I wish to ask how you came by your information; your information is so positive that it should come from one class, and that is that the Government should pay the entire pensions of the policemen, which is a matter which has never been suggested by any witness except in an in-

Mr. Torr—continued.

direct way; and I think you led the Committee to understand that even that would not give satisfaction?—It would not give us such satisfaction as if the Government took the control of the superannuation fund. No doubt if the claim to pension were to be satisfactorily arranged they would feel satisfied, but I think they would feel more satisfied if the Government took the entire control. Three years ago we held meetings at the Cannon-street Hotel, with Mr. Eykyn in the chair, and it was resolved that the Government should be appealed to to take the management and control of the superannuation fund, last year most of the forces petitioned the House of Commons, and at the last meeting, held at Birmingham, the same thing was agreed to, from which I may infer that that is the feeling of the service.

2336. I think you said that, when dissatisfaction was shown by the metropolitan police three years ago you were present at their meeting?—I was present at a meeting held at the Cannon-street Hotel, Mr. Eykyn was there too, but the large meeting was rather more, in consequence of the measures which, I think, the Chief Commissioner had taken. I was informed privately only three or four days ago that the first commotion was caused by the feeling that there were two classes of men; one who could receive a pension at 15 years, and the other at 30 years.

Mr. Gourley.

2337. At what age do you think men ought to engage for service in a police force?—I think the ages of 18 and 19, which have already been given, are far too young. I think 24 or 25 would be a better age. I do not think a man should be a police constable before he is 24 or 25. I do not think that responsibility should be placed in his hands before that time.

2338. They would not pretend to claim a pension when they enlisted at 18, but if they enlisted at 24 or 25, they might reasonably claim a pension in your opinion?—Quite so. I think that a young man at 18 has not sufficient discretion to undertake the duties of a police constable. There is great discretion required very often.

2339. Does your correspondence with individuals represent the individual or collective opinion of the men?—Sometimes individual, and sometimes collective. The men occasionally hold meetings at their stations, and say, we think so and so. Sometimes they are small meetings, and sometimes they are large meetings.

Chairman.

2340. Do the men send up resolutions as coming from those meetings?—Yes, and they send their names and addresses.

Mr. Gourley.

2341. In the event of a fixed system of superannuation being adopted, do you think the men would have any objection to undergoing military drill, so as to be able to serve as a military reserve in case of need?—I do not think they would. If you give a fair claim to pension, I do not think they would mind what work they did, although I am opposed to the military use of the force. I think you have in the body of police the finest nucleus of a standing army that you could possibly have. You have 40,000 police altogether,

Mr. *Gourley*—continued.

altogether, and they are men of good calibre and stamina as a rule, especially the younger ones. They are well trained and obedient, and as a rule trustworthy, and I do not think they would object to a small amount of drill. In fact, mostly they are drilled.

2342. You think they would not object to form a military reserve if they had a fair superannuation fund to fall back upon?—I do not think they would, but I question whether it would be advisable; whether it would not be taking them too much away from their ordinary duties.

2343. Is it not the fact that in some measure they do undergo that drill at the present time?—Yes, most divisions of a county assemble for drill at head quarters occasionally; the main question that has troubled them has been the question of police superannuation; they feel it a very great hardship, that after having 2½ per cent. deducted from their wages for many years, that they should have no claim to it after all.

2344. I suppose if the system was a fixed system, the men would not object to 25 years being the limit?—Yes, I think they would; I do not think you would keep constables in the service if you made it 25 years; and as the last witness has said, when a man has been made a constable, there are so many inducements for him to leave the force, so many people are glad to have him in their employ; but I am certain that if you give the men a prospect of pension at the end of 20 years you would keep them right on, and you would save the counties and boroughs a great deal of money in the training of new men.

2345. Is there any dissatisfaction expressed with regard to the manner in which the men are dismissed from the force for trivial offences?—Not so much as formerly. I attribute the large funds which have grown up in some counties to the fact that the men have been repeatedly dismissed, or called upon to resign; if you keep men on for a year or so, and then dismiss them, when they have contributed to the fund you will have a very large fund in a very few years.

2346. You think that the magistrates should have the control of the police force?—I think that county magistrates should have the thorough control of their police forces; I think that they should control the chief constable as much as a corporation can control a borough head constable. Many of the superintendents are well known to the magistrates, so that their character could be sifted directly; it is a very hard thing when a man has become a superintendent, after having worked his way up for many years, that he should be dismissed without pension. Several cases of that sort have occurred, and the men feel that there is a sword of Damocles held over their heads; that they may be dismissed at any moment, and thus lose their superannuation.

Mr. *Cowper*.

2347. You say you think that the general opinion would not be against their calculating their 21 years from the age of 24?—I think they might calculate from 24.

2348. I did not ask you your own opinion, but is that your opinion of what they would think?—That opinion has never been clearly expressed to me, that point they have never touched upon.

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Mr. *Scourfield*.

2349. Do you know anything of a voluntary fund raised amongst police officers applicable principally to burials?—I know of a fund, in the formation of which I have had a very humble part in assisting, for I have published the papers at much cost to myself. Some years ago a fund, called "The Police Mutual Assurance Association," was established; it was created by 1 *d.* being contributed by every constable upon the death of a constable. If a constable died in Surrey, for example, all the counties which had joined the fund would contribute 1 *d.* A superintendent's widow gets about 70 *l.*, and a constable's widow gets about 27 *l.* Since the establishment of that fund, which has been quite upon a mutual principle (they have done it themselves), many thousands of pounds have been distributed. Probably about 20,000 *l.* have been distributed in that way, raised by the men by their own voluntary act, and given to the widows of their deceased comrades; and the fund has been entirely self-supporting.

2350. How do the counties join in making this arrangement?—I cannot tell you how many forces are in the Police Mutual Assurance Association, but nearly all the boroughs and counties in England, Wales, and Scotland are.

2351. Where is the centre of the association?—There is a president. Admiral Davies is president, and there is a vice-president, and a committee, and it is arranged in this way: upon a man dying, notice is sent to the "Police Guardian;" we publish it on Friday; the paper radiates all over the kingdom, and as soon as it is received with the notice of death, we collect the money, and it is sent to the town where the man has died; that shows you the feeling police officers have towards each other.

Chairman.

2352. There is only one question with regard to what you said just now in answer to Mr. Cowper about the 24 years of age being the commencement of counting for the Superannuation Fund; I understood you to say that the men should not begin to calculate their superannuation service before that age?—I think in the manufacturing districts you would find constables enter as young as 18.

2353. But what I wanted to arrive at was, do you think you should put that limit upon age, and say that a constable, if he entered previous to being 24 years of age, should not begin to count his service till he was 24?—I should not like to say that, because the feeling is so general that they should count from the very beginning of the service.

Colonel *Dyott*.

2354. I understood you to say that there was a strong feeling throughout the force generally, that no man should be dismissed from the force except upon conviction before the magistrates?—Quite so.

2355. Does that specially apply to cases of drunkenness?—Yes.

2356. How would you deal with cases of insubordination?—You could not tolerate insubordination; you must have discipline.

2357. You would say the chief constable, or the watch committee, should be empowered to dismiss a man in case of insubordination without taking him before the magistrates?—You need

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Colonel Dyott—continued.

not take him before the magistrates for that; I think a chief constable has always a great authority over a constable which is very proper; but I think you might qualify it by letting a man, if he felt that wrong was done him, or if he knew that a wrong was done him, appeal to the police committee, and have a court-martial the same as a soldier; a soldier has a court-martial, and let a policeman have a court-martial too; that is all they want. They say, "If we are wrong let us suffer, but do not let us suffer if we are not wrong."

Mr. Scourfield.

2358. Did I understand you rightly when you said that each constable contributed about one penny towards the mutual fund?—Yes. The head constables contribute rather more largely to it.

2359. I think you stated that there are about 40,000 constables in England?—Yes.

2360. Am I to understand that upon the death of a constable you are able to collect about 40,000 pence?—No, because many of the constables have not joined the fund; it is optional.

2361. What is the average contribution?—

Mr. Scourfield—continued.

The average contribution is about 70 l. or 80 l. upon the death of a superintendent or inspector; it runs a little above 30 l. for a serjeant, and about 24 l. to 27 l. for constables.

2362. Do all the men contribute equally, whether they are at a higher pay or a lower pay?—Constables all pay a penny, but superintendents or serjeants contribute larger amounts. The late General Cartwright greatly advocated and supported the fund; he was an honorary member of the fund for several years.

Chairman.

2363. Are you aware of the position of the fund in the Irish constabulary?—I have never much gone into that, the system is so different from our own.

2364. There the pensioners are charged upon the Consolidated Fund, are they not?—Speaking of that would lead me to remark that if a prison warder is superannuated, or if an exciseman or a Custom House officer is superannuated, why should the policeman not have a right to claim a pension; a policeman pays his 2½ per cent., and they pay nothing.

Tuesday, 25th May 1875.

MEMBERS PRESENT :

Mr. Biddulph.
Mr. Fairfax Cartwright.
Mr. Cotes.
Mr. Cowper.
Colonel Dyott.

Mr. Gourley.
Mr. Leeman.
Mr. Scourfield.
Sir Henry Selwin-Ibbetson.
Mr. Torr.

SIR HENRY SELWIN-IBBETSON, BART., IN THE CHAIR.

Mr. CHARLES ROGER JACSON, called in ; and Examined.

Chairman.

2365. You are, I believe, the Chairman of the County Constabulary Committee of the Magistrates of the County of Lancaster?—I am ; I am also a trustee of the superannuation fund.

Colonel Dyott.

2366. They are a committee of justices, I suppose?—They are, and they are chosen in a particular manner. Each police district elects a representative magistrate, and the names, 20 in number, are returned to the court of annual session : then the court elects eight. Their office, is to audit the chief constable's accounts, to give him authority in matters of detail and expense, and exercise control over the contingent expenses of the county constabulary throughout the county, so as to obtain uniformity, as far as can be, in the several police districts in the expenditure under the head of Contingencies. I am also a member of the General Finance Committee of the county of Lancaster, upon whom devolve considerable duties ; they have to keep constantly under review the county expenditure ; they have to report upon anything whatever that appears to them to call for report, and they have considerable authority and influence in consequence.

2367. Do they divide the county into districts for police purposes?—The force is one for county purposes, but each police district bears the expense of its own men.

Chairman.

2368. They are charged for the police of their districts?—They are.

Colonel Dyott.

2369. Is there a chief constable, for each district?—No, we have but one chief constable, and we have one assistant chief constable, who would be more properly, perhaps, according to the Act of Parliament, called deputy chief constable, but he has always gone by the name of assistant chief constable in the county.

Chairman.

2370. Your attention, of course, therefore, has been constantly directed to the superannuation fund of the police?—It has.

2371. Is that fund at present, in your opinion, in a satisfactory condition?—No, it is not. I

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Chairman—continued.

have here a statement of the rise and progress of the fund from its commencement. Since the year 1850 an account has been presented in print to the magistrates, containing all the items of receipt and all the items of expenditure, and I am able to show to what point the fund rose, and to show at what point it began to decline, which was in the years between 1859 and 1862, for I have taken it in periods of three years. From that period, 1859 to 1862, the fund has been worsening.

2372. The fund was established in 1841, was it not?—In January 1841.

2373. That was the year after the establishment of the force, was it not?—The year but one ; the particulars which our county book of accounts supplies have a decided bearing upon the subject. I have divided the whole period, that is to say, from June 1840 to May 1874, the last of our printed accounts (our year ends upon the 31st May in each year), into triennial periods. I will state as briefly as possible the rise of the fund, that is to say, the increase in the balance of the fund in each of those periods of three years : the first 366 *l.*, the second 987 *l.*, the next 1,144 *l.*, the next 1,530 *l.*, the next 2,000 *l.*, the next 2,195 *l.*, the next and highest, between 1859 and 1862, 2,382 *l.* ; that is the increase per annum during those triennial periods : then during the next period from 1862 to 1865, the increase was only at the rate of 1,743 *l.*, that is to say, 639 *l.* less than in the preceding year. The next period gave 1,605 *l.* for the year's increase ; the next period, namely, from 1868 to 1871, gave only 677 *l.*, and the last period, from 1871 to 1874, only 312 *l.* per annum ; so that we have come down from a maximum annual increase of 2,382 *l.* to an annual increase of 312 *l.* It is obvious that if the present rate of pensions is maintained, which it certainly will be,—it will not be lower, on the contrary, it is more likely to increase,—we shall in the course of the next triennial period have a decrease to show instead of an increase, and at the rate we have been going on it will decrease to an extent of probably 1,500 *l.* in the next three years.

2374. During those years what are the number of pensioners upon the fund?—At the end of the last year, that is, on the 31st May 1874, it was 157 ; that is to say, pensioners only ; not taking

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into account gratuitants, which has a material bearing upon the question, I think, so far as relates to Lancashire. Then, upon the 31st May 1868, that is six years before, the number was 98, so that there was an increase of 59 in the six years, an increase at the rate of 10 per annum within a fraction.

2375. Has there been a steady increase during the time of the existence of the force?—Yes, there has. I have a statement here from the year 1851, but in this statement I have included the gratuitants, because it was taken from the county treasurer's book of accounts. Beginning at the year 1851, the amount of disbursements from our fund, in the shape of pensions and gratuities alone, was 90 *l.*, in the next year 831 *l.*, in the next 222 *l.*, in the next only 89 *l.*; that was in 1854. In 1855, 99 *l.*; in the next year 161 *l.*; in the next 419 *l.*; then it goes on increasing to 486 *l.*, 654 *l.*, 743 *l.*, until, in 1861, we come to 1,307 *l.*; that is 20 years after the establishment of the force, when the drain upon the fund begins in a very decided manner.

2376. That is the period when your surplus began to diminish?—It is. Then, in the next year, 1862, our disbursements were 1,350 *l.*; in the next, 1,737 *l.*; in 1864, 1,987 *l.*; in 1865, 2,505 *l.*; in 1866, 2,848 *l.*; in 1867, 3,593 *l.*; in 1868, 3,865 *l.*; in 1869, 4,785 *l.*; in 1870, 4,813 *l.*; in 1871, 5,417 *l.*; in 1872, 6,042 *l.*, a rise of nearly 600 *l.*; in 1873 it was almost stationary, 6,091 *l.*; and, in 1874, the last year I have tabulated, the amount of pensions and gratuities was 6,639 *l.* Then the number of pensioners and gratuitants in those years, commencing with the year 1856, were 9, 19, 19, 25, 28, 44, 46, 52, 64, 72, 75, 97, 100, 115, 126, 137, 152, 169, and the last year 166.

2377. Those were pensioners upon a total of force of a little over 1,000?—We began with 500 in 1841. In the year 1842 the force was cut down by a vote to 355. In 1847 it had risen again to 491, and it has gone on since progressively increasing. In the year 1857 it was 603; in the year 1860, 682; in the year 1861 it was 689; in 1862, 718; in 1863, 739; in 1865 it was 778; in 1866, 815; then progressively, 825, 858, 887, 905, 949, 981, 1013; and last May 1874, 1,061.

2378. During the whole of that period were the boroughs watched by the county police?—No; some of the boroughs were never watched by the county police.

2379. I see in the return which has been made for the use of this Committee, that the borough of Barrow-in-Furness, Burnley, Bootle, and Clitheroe are watched by the county police, were those watched during the whole of that period by the county police, or was the force increased when those boroughs were taken under the county?—No; those boroughs were always watched by the county police; we have been gradually losing the boroughs from the county, but we have never found that the loss was attended with any lessening of the force; and perhaps I may state that one reason of this is that we have a rule in the county that the court does not usually vote any additional men excepting upon a resolution by the magistrates in petty session specially convened, and upon memorial from the ratepayers in the district, which memorial in point of fact puts in motion the magistrates in petty session. The court invariably asks whether there is such a memorial,

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and unless a strong reason is given for its absence the motion would be lost. Within the last 12 months we have had one case in which the court has voted men upon the recommendation of the magistrates without such a memorial, and we have a notice of motion pending for our next annual session on the 1st July to the same effect where the ratepayers ask for one man, and the county magistrates of the district are of opinion that the court ought to be asked to grant five. The case was before our county constabulary committee at the last monthly meeting, and the committee resolved that the motion ought to be supported, after the explanation of the chief constable that the five men were really required for that district; but with the exception of the two cases which I have mentioned, the force has been constituted during the last few years at its present number at the special request of the ratepayers of the county; it is a popular force, and in a special manner is the ratepayers' part of the county expenditure in the county of Lancaster for that reason. If our number is rather large in proportion to the population, that fact will account for it, because undoubtedly the force has been popular, and the magistrates have thought in all those cases it was right to give effect to the expressed wishes of the ratepayers of the county.

2380. If you look upon that force of one thousand as your permanent force for the county, have you formed any opinion as to what would be the ultimate number of pensioners that will fall upon that fund?—An approximate estimate might be made, but we have not data enough from which to draw any conclusion which I should think of much value; undoubtedly the future charges, speaking of the next 10 years, will be greater than they have been.

2381. As your fund has steadily diminished, you believe that, for a time, it will continue to diminish by the increased number of pensions that will fall upon it?—That is my opinion.

2382. Can you tell the Committee in what way that fund is now supported?—Yes, I can; I have here an analysis of the receipts from the various sources, and for convenience I have taken the series of years from 1851 to 1874 inclusive, that is a period of 24 years; and I find on taking an average of the 24 years, the deductions from pay have amounted to 752 *l.*; the stoppages for sickness to 170 *l.*; the fines for misconduct to 92 *l.*; and the penalties to 1,431 *l.* per annum.

2383. Are those the moiety of penalties which go to the police as informers?—Yes. The sale of old clothing amounted, on an average, to 219 *l.*, and interest to 1,260 *l.*, making an average total of 3,917 *l.* per annum. I have compared the payments to the credit of the fund under each of those heads in the year 1851, with those of 1874, so as to ascertain the nature of the sources of increase. I find that the per-centage of increase in the year 1874, over the amount in 1851, for the whole, would be 343. The deductions from pay have been increased by 145 per cent. The stoppages for sickness have been increased by 153 per cent. The fines for misconduct have been increased by 70 per cent. The amount of penalties has been increased by 511 per cent., which is considerably above the total average, the total average being 343, the increase of penalties being 511. The sale of clothing has increased 90 per cent. The interest has increased

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creased 809 per cent.. Therefore the largest ratio of increase I find in the interest, which, since the year 1865, has been derived from loans to the county, for building purposes.

2384. At what rate of interest?—At $4\frac{1}{2}$ and 5 per cent. For an earlier period, from 1858 to 1865, we were gradually selling out from the consols and lending on the terms just mentioned; so that for one-half the period, at least, we have been getting a minimum of $4\frac{1}{2}$ per cent., and I should think the average would be $4\frac{3}{4}$ for that time. Then the second important item in which the per-centage is large is the penalties. First, the interest; secondly, the penalties; and then, thirdly, the stoppages for sickness, which are a little more rapid in increase than the deductions from pay; next, the sale of clothing; and, last, their fines for misconduct.

2385. The increased per-centage of deductions from pay arises from the increased force, I presume?—That is so. There is also one other point which I should like to mention to the Committee. We for some years only deducted, if I remember rightly, at the rate of $1\frac{1}{2}$ per cent. from the men's pay. In the last few years (I have no note of the date when the change was made) we have been deducting 2 per cent., and we are still deducting 2 per cent.

2386. You have never, as I understand, availed yourselves of the $2\frac{1}{2}$ per cent., which is allowed by the Act?—We have not. It was thought unnecessary for some years, and afterwards, perhaps, considerations of policy may have affected us, but we are quite prepared to go to $2\frac{1}{2}$ per cent.

2387. Has that been considered at all with a view to meeting the gradual decrease which is shown in the fund?—Yes; during the last 12 months we have had various discussions upon the subject, and have merely suspended for a time the operation of the $2\frac{1}{2}$ per cent., and for no fixed time. We are prepared, I may say, at the present time to go to the $2\frac{1}{2}$ per cent.

2388. Your scale of pensions, I suppose, is according to the Act, upon recommendation and medical certificate under 60 years of age, and by recommendation by the chief constable after 60 years?—Yes, that is so.

2389. Do you believe that the scale of pensions is satisfactory to the force?—Yes, I have reasons for believing it to be so.

2390. And that the men of the Lancashire force do not complain of the uncertainty of their hold upon this fund?—I think that is another question; I must answer that in the negative by saying they are not satisfied with the uncertainty attending the pensions.

2391. Have you had complaints with regard to that uncertainty?—I know it to be the case.

2392. Do you know of your own knowledge that a demand is made that a pension should be granted upon length of service in the Lancashire force?—I am not aware that any demand has been made.

2393. But that the men are anxious to obtain a certainty of pension after a certain number of years' service in the force?—That is their feeling, certainly.

2394. What is your own feeling with regard to a change of that kind?—I think there can be no objection to changing the conditions under which pensions are at present given; I think it is desirable that a man upon joining the force should, as far as considerations of discipline will

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allow, be able to look forward to a certain pension after a certain number of years' service.

2395. Have you considered the subject sufficiently to be able to say what number of years you yourself would suggest?—I have considered the matter, and I look at it from a double point of view; the police point of view for one, and what I may call the ratepayers' point of view for the other; and I should say 25 years is about the right number of years for length of service.

2396. You mean that 25 years' length of service should entitle a man to pension; do you believe that that would be both just to the men and just to the ratepayers?—I think so.

2397. Would you impose any limitation with reference to the time at which a man should commence counting his service for this 25 years?—No; I would let a man count his service from the time of his joining the force.

2398. Have you also considered the question of the rate of pension that he should be entitled to upon the completion of those 25 years?—Yes; I would not say I would absolutely give him two-thirds, because I think there is an objection in principle to doing that, and I should much prefer to see a minimum rate, as well as a maximum rate, between which two points the chief constable should exercise his discretion in recommending, and the court in voting a pension. I think the minimum would tend to secure the men against any capricious exercise of power, and the maximum would enable the chief constable and the magistrates to make that distinction which undoubtedly there is in the quality of men's service; I think if it were not so done, it would rather tend in removing one ground of objection to introduce another; for a good man would have reason to complain that an inferior man was put in all respects upon the same footing as himself.

2399. You would like to see in the rate of pension a man had a right to claim, a maximum and a minimum fixed between which the magistrates should have discretion?—Precisely.

2400. It has been suggested by some witnesses that age should also form part of the scale; have you considered that point, say, that after 25 years' service, if a man was under 50 years of age, he should be only entitled to half-pay; whereas, if he was over 50 years of age he should be entitled to two-thirds?—I do not see the grounds for that distinction.

2401. You do not think that that would be any inducement for younger men to remain in the force whilst they were still serviceable?—I am inclined to think that a good many men would be induced to leave the force before that time on the lower rate of pension.

2402. Therefore, you see no reason for altering the simplicity of the 25 years' term?—Upon the whole, I do not.

2403. Would you leave the present scale of pensions upon medical certificate as it is at present, for shorter periods of service than 25 years?—That is to say, that under 15 years there should be a round sum given; and from 15 to 20 years, not exceeding half-pay; and over 20 years, two-thirds. I would make no alteration in those respects.

2404. With regard to such a change as you have now suggested, have you considered the effect it would have in increasing the number of pensioners who would fall upon the fund?—I

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cannot state that with the degree of certainty I should like, and I think it is better to avoid speculative finance. I have certain data from which I could draw an inference, but it would not be reliable.

2405. But going back to what you have already stated, which is that under the existing state of things, and the existing state of pensions, which are not likely to be decreased by any change which may be made, the present fund is not self-supporting; have you considered how you could strengthen the fund, with a view to making it self-supporting?—Yes. In the first place we should increase our rate of deduction to the full statutable amount of 2½ per cent. Then, I think, there could be no objection to giving the superannuation fund credit for the fees derived from the service of summonses and other processes; for instance, the service of notices to licensed victuallers.

2406. The same as is given at present in boroughs?—I am not aware whether the fees for service of notices to licensed victuallers is given in boroughs or not, but I would give them and the fees or service of summonses and the execution of warrants, to the fund; that would make a difference of about 4,500 *l.* a year. The next least objectionable transfer would be that of the fees for pedlars' certificates. I would make this remark, that, as far as possible, whatever contributions are made in future to the superannuation fund, they should be taken from the police rate, and not from the county rate. Except in the case of the pedlars' fees, which I think are exceptional, I would not transfer any sum which at present goes to the credit of the county rate to the credit of the superannuation fund; and for this reason, that I think we should do some injustice if we did so. The boroughs maintaining their own police, and having separate courts of quarter sessions, are charged their share of the county expenditure by orders which are made after all credits have been taken into account by the county treasurer; therefore, for any penalties which go to the county rate, the boroughs having separate courts of quarter sessions have their share of credit; and, consequently, if we transferred any portion of those penalties to the superannuation fund, we should do, to that extent, an injustice to those boroughs; for they, having their own police to maintain, would also be contributing to the superannuation fund of the county police. As regards the fees for pedlars' certificates, I am aware that they go at present to the credit of the county rate; but I think they are fees in which the force of each jurisdiction or each borough might very fairly claim to have a benefit. Whilst I would suggest that it would not be objectionable to transfer to the superannuation fund the county amount, which would be about 600 *l.* a year, I would at the same time give up to the boroughs their share, which amounts to about 400 *l.* a year, the whole amount being about 1,000 *l.* a year, derived from the county of Lancaster, boroughs included.

2407. That they should share proportionately the fees for pedlars' certificates?—Yes, that the borough should take their own, and the county its own, less expenses.

2408. You would not, I suppose, propose to alter the present contributions which come to the police in cases where they are informers under various Acts?—No, I should be unwilling to do

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that. We know, in the administration of justice, how liable a policeman is to an imputation; I should be very sorry to put any man who has to give evidence in a position which would expose him to an objection as an interested witness.

2409. What I meant was, do you think it would be wise to alter the existing state of things, which does allow of the application of half penalties to the superannuation fund?—I would not go back, I think; I would remain where we are.

2410. Would you go one step further; would you make these half penalties absolute, or would you leave them discretionary, as they are now; they may be transferred to the superannuation fund in some districts, whilst in others they are paid to the county rates?—I would make the rule absolute; it is now optional at petty sessions whether the moiety is made payable or not; I have been frequently obliged, in presiding at petty sessions, to remind the police to apply for them, or they will not have them.

2411. Do you think that, with these half penalties made permanent, with the contribution of pedlars' certificates, and the fees for service of summonses and execution of warrants being added to the fund, you would so strengthen the fund that it would be in a position to be self-supporting?—For a certain number of years I think it would; I have taken the pains, with our county auditor, to estimate the effect of such contributions, and though no very clear conclusion can be arrived at, I think it may be said that there is every reason to believe that it would make and keep solvent the superannuation fund, with the present demands upon it, practically for ever.

2412. Even with the increased number of pensions which you think would come in the next two or three years upon it?—Yes, with the present scale of pensions and gratuities.

2413. But upon the scale you have thrown out?—I would not venture to predict that it would be perfectly solvent; that is to say, that it would not undergo any diminution of capital after 10 years.

2414. But suppose, at the end of those 10 years, it should show a decline again, how would you supplement it?—In that case from the police rate of the county; I would throw as much in year by year as was necessary to maintain the fund in a state of perfect solvency.

2415. Do you think it would be wise to prevent the capital of the fund being trencched upon?—I do.

2416. And in providing that, would you also provide that any part of the yearly income should pass to that fund, or that it should be all spent, and the deficit made up out of the police rate?—Assuming that the charges upon the fund were in excess of the income, then I would have the deficiency made up by a rate borne by the whole county, and not out of the local rates of the districts, as the law is at present.

2417. That is to say, by a general police rate?—Yes, by a general police rate, and make it a general county charge.

2418. But the question was, would you think it wise to continue always supplementing the capital account by a certain per-centage of income until it arrived at a self-supporting condition, even if you had, by deducting that per-centage, to draw upon the police rate?—I think it would be

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be desirable to increase the capital whenever it was proved to be deficient, by some means, I am not prepared to say what, except that I would not go beyond the police rate of the county as the last resource.

2419. But that a scale might be laid down which, whilst at present being self-supporting, should always continue gradually to increase the capital account by stopping a certain per-centage of income, and passing it to that account, even though you had yearly to supplement the spending account from the police rate?—Yes, I think that would be desirable.

2420. In that way, in time, a capital account might be got which would be self-supporting?—Precisely.

2421. With regard to pensions granted after short service on medical certificate, has it ever been suggested to you that the pensions so granted should be considered again after a period of years, that men who were invalided as young men should report themselves in the force after a period of years and be liable to be returned into the force if they had recovered and were again fit to perform their duty?—No such suggestion has been made to me, but I am quite aware that if such an arrangement could be made it would tend to do away with the dissatisfaction which is entertained by the ratepayers of the county. I think we have but few instances of the kind, but a single instance goes a long way.

2422. Have you considered the point at all as to whether the men should be allowed to carry their service into other forces?—I think, on promotion, I would allow them to carry the whole of their service, but not merely when they change for change's sake.

2423. On promotion you would let the men carry the whole instead of the half, as now allowed by the Act?—I would.

2424. Would you place a limitation upon the time they should have served in a previous force, as at present, of seven years?—I do not think that is material.

2425. But where the change was on promotion, which is practically with the consent of the parties interested, then you think they should carry their whole service?—Yes, I think so.

2426. Do you see any objection to another suggestion which has been put before the Committee, that in the case of gratuity, where a constable dies the children should take as well as the widow?—I think it is desirable to extend the power of granting a gratuity so far.

2427. At present, by the Act, it is limited to the widow?—At present it is limited to the widow. There is another point, which though not relating to superannuation, I should like to mention, namely, the amount of gratuity for meritorious service; I think it is too little, and that it would be desirable, at all events, to extend it to 10 l.

2428. That would be part of a Police Bill, rather than a point referring to superannuation?—I am aware that it is not a superannuation point.

2429. Is there any other point which you could suggest to the Committee, with regard to the superannuation fund?—I may say, in reference to the effect of the Act 19 & 20 Vict. c. 69, which permitted gratuities to be given to men of under 15 years' service, that it imposed upon the superannuation fund a considerable charge for such gratuities; and also with regard to the Act 22 & 23

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23 Vict. c. 32, which provided for gratuities to widows, that neither were those charges contemplated by the 2 & 3 Vict. The amount granted for such gratuities in the county of Lancaster, within the last six years, amounted to over 2,200 l., whereas the pensions which were granted during that period amounted to rather less than 4,000 l.; so that those two items, namely, gratuities to men of under 15 years' service, and to widows, have brought a very substantial demand upon our fund which was not contemplated in the first instance.

2430. By that, do you suggest that the gratuities should be a charge upon the police rate instead of upon the superannuation fund?—No, I would not say that; only in looking into the rise and progress, and apparent decline, of the fund, that is an important consideration; claims of that sort have to be met for which no provision is made. I have, further, a brief statement of our pay in Lancashire, which has a bearing on the superannuation question. In the year 1841 our scale for constables varied from 2s. 3½d. to 2s. 7d. a day; it varies now from 3s. 5d. to 4s. a day; and the serjeants' pay in 1841 was from 3s. to 3s. 6d., whereas now it is from 4s. 4d. to 4s. 8d. a day; there have been at least seven general increases made in the 34 years which constitute that period.

2431. I suppose those increases of pay have been necessitated by the increased wages of the district, that is to say, in competition with the increased wages paid at mines and other industries in the neighbourhood?—Yes; we went on the same scale from 1841 to 1853; thence on a higher scale to 1860, and a higher to 1865; we had a general revision in 1868, another general revision in 1872, and another general revision in the year after that, and we are upon the 1873 scale now.

2432. Do you consider that the superannuation fund and the prospect it holds out to the men, is an important consideration in regard to the question of wage?—I think it is; and if the grants were put on a footing of what might be called certainty, I believe the fund would decidedly operate upon the minds of the men before they joined the force. At present, in point of fact, they do not think much about superannuation when they join.

2433. But even supposing they do not think much about it when they join, I imagine that after contributing for some years to the fund, if they had a permanent security that at the end of a period of service they could claim a pension from it, it would enter into their consideration?—I think they very soon begin to think of it. There is another consideration which I think must weigh in all large counties, and that is the large number of men who are not matured for the force. Supposing, as is the case in the county of Lancaster, we lose about one-sixth of our men per annum; of that one-sixth I suppose (I am speaking rather conjecturally), two-thirds would not have served twelve months; in point of fact would not have matured themselves as constables, and were worth very little for the purpose for which they enlisted. The expense of each of those men to us would be something like 70 l.; and if we multiply that by the 180 or so whom we lose per annum, it amounts to a very large sum.

2434. I suppose a very large proportion of those

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those men who leave after they have been a year in the force, leave from finding the service they are required to undertake, different from what they had expected?—That is the case.

2435. You would hardly suppose that even the prospect of a superannuation fund would retain those men in the force?—I am in hopes that if the superannuation fund is put upon a more attractive footing to the men, we shall have a better class of men coming forward.

2436. In that way it would be an assistance to the ratepayers in securing to you permanent and efficient men?—I think it would.

2437. And also to a certain extent it might be looked upon as a sort of reduction of wage; do you think that would be so?—I do not think it would make any difference in that respect.

Colonel Dyott.

2438. There are one or two things I want to reconcile in your evidence, if possible; you have told the Committee several times, that if the scale of receipt and expenditure of this superannuation fund remain as it is now, the thing must come to a collapse in the course of time?—I think so.

2439. I wish to know how you reconcile that with the figures, because by a return which we have before us, the receipt during the year ending September 1874, exceeds the disbursements of the same year?—It does.

2440. And also the total amount in the fund for the same period is larger in September 1864 than it was in September 1873?—Yes, by about 106 £, if I remember rightly; a very small increase.

2441. If that is so, it would seem to be the other way, that if the receipts and expenditure proceed in the same ratio in the future as it is at present, there would be rather an increase than a deficiency in this superannuation fund at the end of time?—But I apprehend that the demands upon the fund will increase much more rapidly than the receipts.

2442. But would you not think it necessary to regulate your expenditure according to your income?—No, we should not do that; we should not think that fair to the men; we make a great point of dealing as fairly as possible with those who are recommended for pensions, and I believe as nearly as possible perfect justice is done to the men in that way, and certainly the last thing we should think of would be to lessen the pensions in order to redress the balance between our receipts and payments.

2443. I do not see how the question of justice enters into that, because you make no promise to the men what they are to get from the superannuation fund?—Still they know how their predecessors have been dealt with, and I think if, where we grant 1 s. 10 d. a day now, 1 s. 8 d. only were recommended for the reason that our fund would not afford more, that would be a course we should be extremely unwilling to resort to, and nothing but the clearest possible necessity would induce the magistrates to act on such recommendations.

2444. Have you any instance of men receiving pension who have contributed a comparatively short time to this superannuation fund?—I have a statement here of all the pensions and gratuities which have been granted from July 1869 to our last annual session, the 1st April 1875. I have

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taken out the average service, and it amounts, taking the pensioners and the gratuitants together, to 15½ years. There are in that list a very considerable number of short services, and looking down the column I see 6½, 7, 5, 4, 8, 6, 4, 5, 3, 4, 4, 9, 3½, 3, 9, 5, 3, 6, 5, 6, 9, 1, 1½, 9, and a large number of 11 and 13 years' service. The average service of those under 15 was 8½ years, and in the case of gratuities to widows the average service of their deceased husbands was eight years.

2445. You mentioned that it would be satisfactory to the ratepayers if, in the case of men who were invalided after a short service, and drew a pension, and then recovered, there were a revision of such a pension?—Yes, such is my opinion.

2446. Have you any instance within your knowledge of men who have been invalided after short services, and pensions granted to them, recovering their health and still continuing to draw their pension?—I can hardly say; I have not that definite knowledge, I think, that would enable me to answer the question; I know certain men in the county who have been in the force, but I must say that for the most part they are men who have had a considerable length of service; but it is a grievance felt by the ratepayers when they see a man who receives a pretty good pension, in a short time afterwards able to take other employment, and they often throw an imputation upon anyone who does so.

2447. You told the Committee that it would be a good thing as far as discipline would allow (that was your expression), to grant a fixed pension after a certain period of service?—Quite so; I mean by that if a man were to misconduct himself there should be the same power as there is now to dismiss him, and that the question of contribution to the fund should not act as a bar at all to the exercise of authority which would, under the present state of things, be considered to be called for.

2448. Is it not now the case that where a man has earned his pension, and really deserves it from his character, conduct, and length of service, he is recommended by the chief constable to the police committee for pension, and that recommendation is forwarded to quarter sessions, and is it not the case now that that man receives his pension?—In the county of Lancaster there are very few cases to the contrary. I have ascertained what number of men with more than 15 years' service have been dismissed the force from the commencement, and I find that the number dismissed after 15 years' service has been three; that the number dismissed after nearly 15 years' service (I presume that would be from a minimum of 13 years), has been two, that makes five; and two men have been called upon to resign after 15 years, that makes seven; and another has been called upon to resign after nearly 15 years, that makes eight; that is the whole number of men in the Lancashire force who have forfeited through misconduct their qualified claim to a pension.

2449. That is not the point at all. I was not contemplating men being dismissed from the force, and thereby forfeiting their pension; but what I was contemplating was, whether you knew any instance in which a chief constable has recommended a man for pension in consequence of good service and good conduct generally, in which that pension has not been granted, but has been refused

Colonel Dyott—continued.

fused by the court?—We have never had a case of that sort.

2450. Therefore all your recommendations for a pension is practically carried out now; if a man is recommended for pension he gets it?—So far as it relates to Lancashire, the grievance is rather sentimental than practical; but, at the same time, it does operate upon the minds of the men very generally, and to a considerable extent acts prejudicially.

Mr. Biddulph.

2451. With regard to supplementing the superannuation fund by the different sources which you mentioned just now, you mentioned fees for pedlars' certificates; they at present go to the excise, do they not?—No; they go to the county rate.

2452. Are there any other sources from which you think this fund might be increased from fees which now go to the excise, such as fines for dog licenses, and so on?—I have not considered that point; it seems to trench rather upon the domain of Imperial taxation, and I am so strongly of opinion that it is better to supplement the deficiency of the superannuation fund from the police rate itself, and from the sources from which the police rate has derived any credit, that I have not really looked beyond that rate, and am consequently unable to say whether there were any other fees or credits which might be transferred to the superannuation fund.

2453. I do not know whether, in your county, you have had any complaint of the number of dogs that are kept without licenses, and my object in asking the question was, whether it would not mitigate the evil by letting the police have a direct interest in looking after them; that is to say, that if the police could supplement their funds by looking after them, it might make them sharper in the performance of that particular duty?—I think it would be an unobjectionable source of increase for that reason.

2454. With regard to the chief constables' pension, have you considered the question whether it would be better that they should contribute to the fund in the same way as the men, or whether they should be left as they now are?—I think a chief constable should contribute to the fund in the same way, and have a like advantage.

2455. That he should claim the right just as the men should?—Quite so.

Mr. Leeman.

2456. I wished to ask you what was the amount of the contribution to your fund during last year from the two per cent. of your men's pay?—£. 1,295.

2457. And what was the interest of your fund?—£. 2,109.

2458. And the amount derived from penalties, and from service of summonses?—From moiety of penalties, 2,670/.

2459. And from the service of summonses and execution of warrants?—The money derived from those sources does not go to the credit of the superannuation fund in the county.

2460. I see they are bracketed in the return, but this amount of 2,670/., is wholly from penalties, is that so?—I think it is a little mixed. There are stoppages for sickness, 271/.; fines for misconduct, 144/.; and the sale of worn-out clothing, 254/.. These sums, with the interest 0.94.

Mr. Leeman—continued.

and some other items, make a total of 6,745/., per annum.

2461. You are amongst the oldest established funds, I think?—Yes, the force was established as soon as practicable after the passing of the Act.

2462. You mean about 34 years ago?—Yes.

2463. Are there some of the boroughs in Lancashire which have no superannuation fund, and which are still under the county police?—Yes, there are Barrow, Burnley, Clitheroe, Bootle, and Saint Helen's, those places had a population of 119,000 odd in the year 1871, and the population in the police districts in which those boroughs are is 271,000. I mention that because undoubtedly the boroughs are the paying part, as one may call it, of the county in respect of penalties and the service of summonses and warrants. Therefore we have, in the course of a short time, we apprehend, to look forward to the loss of some, at all events, of these boroughs. Barrow is a very likely place, indeed, to ask for its own force. Burnley also is, and I should say St. Helen's is; and there is another important place which is under improvement commissioners, namely, Bury; there is no reason whatever why Bury should not be incorporated, and have its own police; they have, indeed, lately made a movement in the direction.

2464. You do not propose, as I understand, that any of the fees received for the service of summonses and the execution of warrants should be applied to the superannuation fund?—Yes, I should propose that; I think that is the very first source that one would avail oneself of.

2465. But you have not availed yourself of it hitherto?—We have not power by the Act; it only applies to boroughs; I am suggesting that it is a desirable source of income for the future if Parliament should think fit to legislate to that effect.

2466. Can you give any opinion as to the time during which you would require these contributions?—I think we should require them for ever; and I contemplate an ultimate deficiency, which I suggest should be made up from the police rate from year to year, the great principle being to make the fund solvent, in order to secure the capital from any diminution at any future time after the capital has been in the first place raised up to an amount which can be shown to be sufficient to meet all claims, present and prospective, so far as can be seen.

2467. Have you formed any opinion as to when that time may be?—If we had the several sources of increase which have been suggested added to our fund, we might very fairly expect to meet all claims that we should have upon our own fund, supposing that the pensions are not increased in any way.

2468. You have 45,000/., now, have you not?—We have, and that is not enough.

2469. Have you any idea how much would be enough?—I have gone into the matter with our county auditor, and it is a subject on which I should hesitate to offer a very definite opinion; but so far as I can form an opinion upon the subject, I should say that we ought to have from 70,000/., to 75,000/., instead of our 45,000/., to enable us to meet all demands without suffering diminution of capital hereafter.

Mr. Gourley.

2470. Do you consider that in consequence of

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your not deducting the 2½ per cent. from the pay of the men, you get your men for less money than you would if you deducted the 2½ per cent.?—No, I do not think we should say that; but during the last three years it has undoubtedly been more difficult to keep up the force to its full strength, and we thought that it was better not to make an increase in the deduction from pay—a measure which might be considered hostile by the men, however slight the effect would be: and then, as we foresaw that we were likely soon to have an excess of disbursements over our receipts, we thought that at all events we might defer the decision upon the point until we had turned the corner, when we must necessarily decide; and the chief constable would doubtless be able to procure the ready assent of the men to the propriety of the step, when it could be shown to them that it was really necessary, in order to preserve the fund for the time being in a state of solvency.

2471. But are you of opinion that if you had deducted 2½ per cent., the men would have demanded a higher rate of wage?—I can hardly say they would. I think there is an excellent spirit in the Lancashire force, and I do not think anything of that sort would have had that effect.

2472. Then the question of superannuation really does not enter into the minds of your men when they enter your force?—I do not think it does for the most part, if they are county men; but by far the largest proportion of the men who enlist with us come from Scotland and Ireland. We have not many men comparatively who are Lancashire men; but those who are, are attracted by the better rate of pay than they can get as agricultural labourers, and also they think it is a change, and probably an easier life. I think those are the considerations which weigh with them in the first instance. I make a point when presiding at petty sessions, to ask every man who is brought before the bench to be approved, what his occupation or service has been; he answers before the officer who brings him; and I have reason to believe that we have a true account, and the conclusions I have arrived at upon this subject have been formed in that way.

2473. You take care, as a rule, that they are all educated men more or less, do you not?—We require certainly compliance with the regulation in that respect.

2474. If you had a fixed system of superannuation, do you think you would get a better class of men than you have?—I think we should attract a better class of men; not materially so perhaps; but I think we should attract the flower of the class of men that we get now: except that this must be remembered, that if all forces were put upon the same footing, there would be competition which would prevent any advantage to one force as against others.

2475. You stated that a term of 25 years' service would be just to the ratepayers; do you find that there is any difference in the way a man is able to perform his duties as between the county service and the service in boroughs?—I am intimately acquainted with the borough of Preston; and I should say that service in a borough is harder than in the county; but on the other hand, there are inducements in a borough which operate upon men's minds. On the whole I may say, that I think the county force is preferred in Lancashire as a whole;

Mr. Gourley—continued.

there is a little difference in the age at which men enlist in the two forces. The average age in the borough of Preston is about one year higher than in the county; but that may be accidental. In the borough it is about 24½, and in the county about 23½; but I do not know that you can draw any conclusion from that.

2476. You would consider a man entitled to receive his full pension after having served not less than 25 years?—Yes; it would be in point of fact substituting for the 60 years of age which now exists, a term of 25 years' service.

2477. You told the Committee that you would not allow the moiety of penalties which are now paid over in boroughs, to be applied to superannuation purposes?—No, I would not.

2478. But would you make a difference between boroughs which have quarter sessions, and boroughs which are without quarter sessions, because the bulk of boroughs in England are without quarter sessions?—I think that would introduce a wider change considerably than you could take in at one time; it introduces the whole question of the disposition of the penalties; and at present I maintain there is no injustice done to boroughs maintaining their own police, but not having their separate courts of quarter sessions. The injustice would be done to the boroughs having separate courts of quarter sessions, who are made to pay now their contributions to the county expenditure by means of orders after they have had their share of the credit from penalties, and from all other sources; it is an objection in principle. I do not say that it could not be got over, but it would, I think, excite a well-grounded discontent in the boroughs having separate courts of quarter sessions, unless in any future legislation that source of discontent were removed.

2479. For that reason would it not be much better to hand over the whole of the moiety to the superannuation fund, in the event of its being thought desirable to create a further amount of superannuation fund?—If that were thought desirable it could be worked with perfect justice to boroughs having separate courts of quarter sessions, but to do justice in that respect it would be necessary to eliminate from the accounts the moiety of all penalties which were transferred from the credit of the county rate to the credit of the superannuation fund before the balance was struck upon which the order is made upon the borough having a separate court of quarter sessions; it is a financial arrangement which is perfectly practicable; at the same time it would have to be provided for by legislation.

2480. How do you regulate your pensions; do you regulate them according to the Act of 1848?—We do.

2481. Do you grant the pension according to the rank held by the man when superannuated?—Yes, according to the rank held by the man when superannuated.

2482. What is your opinion of the Act of 1848, which, according to my reading of it, says that the superannuation allowance shall be made according to the rank held by the man when he enters the service; do you think that that Act is repealed by a subsequent Act?—I have not turned my attention to that point; I have been so satisfied with the practice which always takes place in the presence of one of the deputy clerks

of

Mr. Gourley—continued.

of the peace, who are lawyers, that I have entertained no doubt upon the point.

2483. In some places they pay the amount of the superannuation in accordance with the Act of 1848, which prescribes that the amount shall be according to the rank the man held when he entered the service, and in others they pay him according to the rank he holds at the time of his superannuation?—Quite so.

Mr. Scourfield.

2484. How many boroughs are there in Lancashire in which the police are consolidated with the county?—I think not more than five.

2485. Would the consolidation of the county and borough police be a popular or unpopular measure?—The boroughs would object to it, I have no doubt; they are great sticklers for independent jurisdictions in the county of Lancaster.

Chairman.

2486. You stated that the question of pensions in the Lancashire force was more a sentimental grievance than a practical one, but what the men complain of is, as I understand the fact, of the pension not being obtainable till after they have

Chairman—continued.

attained the age of 60 years?—What I understand the men wish for is a certain pension after a certain length of service; certainly they would object to the age of 60.

2487. The age of 60, according to the present regulation, is the only time at which they can be recommended for a pension except upon medical certificate?—Quite so.

2488. Therefore, under that system, a man enlisting at 18 has to serve 42 years before he can be even recommended for a pension?—Undoubtedly; that, I think, is an excessively long time to compel a man to serve.

2489. With regard to supplementing your superannuation fund, have you considered whether, besides the sum derived from pedlars' certificates, the sum derived from adjusting weights and measures might not be added?—Yes, I have; it does not amount to much, I think, in the county of Lancaster; it would not greatly exceed 200 £ a year; that goes to the credit of the police rate at the present time. I think there would be no objection with regard to that; and the reason why I did not mention it before was this, that there is a certain expense attending the adjusting, and if it was transferred it should be the net sum only.

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Sir FREDERICK THOMAS FOWKE, Bart., called in; and Examined.

Chairman.

2490. You are Chairman, I believe, of the Leicestershire Quarter Sessions?—Yes, I am.

2491. As chairman of that quarter sessions has your attention been called to the question of the police superannuation fund in your district?—Yes; I have had something to do with it.

2492. At present do you think the force are satisfied with the way in which pensions are granted in the county?—I think they are with us; our fund is in a very good state.

2493. And the pensions are granted liberally?—Yes.

2494. Are you aware whether there is any expression of feeling on the part of the force that there should be a change in the mode in which pensions are administered?—Except that it is too long deferred.

2495. That the age of 60 is too late?—Yes, it is a very long service.

2496. What would you suggest as an alteration?—I think it should be something like 20 or 21 years' service.

2497. You would suggest a fixed period of service instead of a pension, to be granted after a period of age has been reached?—I would suggest that there should be a certain amount of pension after a certain service.

2498. Have you considered upon what scale that pension should be granted?—I should suggest that the pension should be two-thirds of the pay after 25 years' service.

2499. Do you think that that should be granted as a whole, or that there should be, as suggested by the last witness, a maximum and minimum point of pension, between which there should be a discretion left to the authority granting it?—I think that would be useful.

2500. So that a distinction might be made, if necessary, between very good service and merely staying in the force up to a certain time?—Quite so. I may state that there are a great number

0.94.

Chairman—continued.

of old men in our force, but not many upon the fund.

2501. What number of pensioners have you?—Only 10, out of a force of 131. Our income from all sources comes to about 1,200 £ a year, and our disbursements to about 560 £.

2502. So that your fund is in a flourishing condition?—Very flourishing.

2503. Has that been a steadily increasing capital?—Yes, there is something invested every year.

2504. Can you state how long the force has been established?—The force was established in 1839, and the fund in the next year.

2505. So that you are practically one of the oldest funds?—Yes, we are.

2506. Can you give any reason why the number of pensioners, after such a length of time that the force has been established, is so small?—There are a great number of men now of very long service in the force, very healthy and very able men, who have not come upon the fund.

2507. Out of the 131 men in your force, could you give any idea of the number of men who have been in the force over 25 years?—I could not at present, but there are a good many.

2508. There are a good many who, if there were a fixed period of service established, would have a claim to a retiring pension?—Quite so.

2509. Under these circumstances, your fund would be subject to a considerable diminution?—No doubt; in fact, I believe it will, under the present system, before very long.

2510. Do you believe that, if that takes place, your fund will be self-supporting?—I think it will when we carry to it beyond what the Act prescribes.

2511. Can you state to the Committee what contributions are made to the fund?—We only take 1½ per cent. as a deduction from the pay of the

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the police, and we take all the other things mentioned in the Act, and, in addition to that, the fees for the service of summonses, the execution of warrants, and from pedlars' certificates.

2512. At the present moment you are doing in the county of Leicester what the Act entitles boroughs to do?—We are; we have done that since 1868 as regards the service of summonses and the execution of warrants, and since 1862 as regards pedlars' licenses.

2513. Was that done from any idea that the fund was beginning to be drawn upon?—We thought that the fund was beginning to be diminished.

2514. And then you applied to the fund these contributions?—The police committee recommended it to the quarter sessions, and it was adopted.

2515. You would recommend that that should be made a permanent contribution?—I would recommend that, perhaps with the addition of the whole of the penalty where the police are the informers. Half now goes to the county and half to the police superannuation fund; we have an invested fund of 8,000 l.

2516. Would you think that the suggestion which has been made to the Committee is worth considering, that where a fund, as is your condition, is self-supporting at present, power should be given to the Secretary of State to order at any time, upon the representation of the magistrates that the fund was failing, that the whole of those penalties should be applied to strengthen the fund?—Our police committee think so.

2517. Do you think that would be sufficient, or would you rather be of opinion that they should, by Act of Parliament, be applied at once?—If we are allowed to continue as we are now doing, I have no doubt that the fund would continue in the same state; but I suppose those additions are not strictly legal, they are only sanctioned by the magistrates in quarter sessions.

2518. Under these circumstances, do you think that the fund will be able to meet the claims which will come upon it within the next few years?—I know it has been the opinion of our chief constable that if it was made absolute law that we could do it, our fund would remain in a very good state.

2519. Do you think that any dissatisfaction would be expressed by the ratepayers with regard to a fixed pension after a fixed term of service?—I do not think so; our rates in Leicestershire are very light. I have never heard the ratepayers make complaints about the rate; I do not think they would trouble themselves about it; our rates are only about 4 d., including the police rate.

2520. You do not think there would be any objection in so happy a county to a strain of that kind being put upon it?—I do not think so.

2521. You consider, of course, that a superannuation fund ought to be self-supporting?—I think so.

2522. And you think, also, that there ought to be a superannuation fund attached to the police force?—I think the police look to it as being an advantage to them.

2523. You think the police look to it when joining the force?—If not then, I think they look to it very soon after joining; but I may also say that I think a larger deduction from their pay

Chairman—continued.

would be very unpopular; they do not like stop-pages at all.

2524. Do you think there would be any difficulty about bringing them up to the standard which exists in other counties?—We have had difficulties about that already; we have had to raise the rate of wages.

2525. Will you state the rate of wages you pay in your force?—I think we have had to increase it to 2 s. as the minimum, and we have had men leave us and go to boroughs, and we have also recommended to the sessions, which has not been adopted yet, to allow the chief constable to promote men into a higher class without waiting for a vacancy, which would be a very great boon, because sometimes a man who ought to be promoted to a higher class cannot be so promoted because there is no vacancy. It would only cost a little more, and I think the advantage of it would be very marked.

2526. You think the ratepayers would not object to this additional charge which would be thrown upon your rates, and that you might meet any possible deficiency in the fund in the way you have suggested by making permanent your present contributions?—I think our present police committee is very strongly of that opinion.

2527. Would you continue your present rate of pension under medical certificate for short terms of service before a man had been 25 years in the force?—We think it is very useful to be able to do that.

2528. You would not propose to alter that system?—No, I think not.

2529. You would also propose to continue gratuities upon the same scale that you now adopt?—Yes; another source of income that we have is derived from gratuities earned by the police which are put to the superannuation fund. If the police attend a large party, or receive any present, it goes to the fund.

2530. All the earnings of the police are placed to the credit of the superannuation fund?—Yes, all or very nearly all; in addition to that, if there is a present made to the police, if there is a prosecutor who is very well satisfied with the conduct of the police he may give them 1 l. or 5 l., and that is carried to the superannuation fund, either the whole or half of it.

2531. You would propose to leave the gratuities as they are at present?—I would.

2532. But you would propose by law to hand over to the fund those other sources of income which would make the fund self-supporting?—Yes, I think so.

2533. Do you think that on promotion from one force to another a man should be allowed to count his back service?—I have not considered that point; we very seldom have any such cases in our county.

2534. Is there anything further you would wish to submit to the Committee?—I know that our chief constable thinks that if a man in receipt of pension from the superannuation fund dies, his widow or representative ought to be entitled to the amount of his pension for a year, as they would now be entitled to his pay if he died whilst in the receipt of pay. He has often urged that upon us as being a change which would be highly popular.

2535. Would you extend that to the children?—To the representatives.

2536. At present, by the law, children are not entitled

Chairman—continued.

entitled to the gratuity if a man dies in the force?—No.

2537. But the widow alone is entitled?—That is so, but our chief constable says it should be widow or representatives.

2538. He would recommend the law to be extended, so as to admit children, and he would go further, and claim that with regard to men who were in receipt of pensions it should be extended to their representatives for a year?—Yes; our chief constable has often urged that upon us.

Mr. Scourfield.

2539. Is there any borough in Leicestershire which maintains its own police?—No.

2540. What is the force in the borough of Leicester?—I do not know.

2541. Is your pay equal throughout the county?—Yes, it is now, and also in the progressive pay they get; there is a little increase upon each man's pay after a certain service; we have had that in the boroughs always, and we have now given them that 2*d.* or 3*d.* extra, or something of that kind, in the county.

2542. From your own experience, do you think that the borough or county service is the more attractive to the force?—I think that the borough service is the more attractive; in the large towns it is very well, but in very wild outlying parts a man does not like wandering about

Mr. Scourfield—continued.

by himself at night. I think he would rather be in a borough, as a rule.

Colonel Dyott.

2543. Did you commence with a 1½ per cent. stoppage?—Yes, we began at the first with that deduction.

2544. Notwithstanding that, your fund has gone on flourishing?—It has.

Mr. Torr.

2545. Do penalties on drunkenness go towards the fund?—Yes, penalties on drunkenness go to the fund, and also penalties derived from assaults on the police, and other cases in which the police are informers.

2546. And also the money derived from the sale of old clothes?—Yes; but very little is derived from that source.

2547. Do you consider your fund in a very sound condition?—Very sound indeed; we invest a good deal every quarter.

2548. Do you think it is large enough to sustain the number of men who may be likely to come upon it?—Our chief constable suggests that we should have the whole penalties instead of half.

2549. He has not suggested that the deduction should be 2½ per cent.?—That is unpopular; the men do not like it.

Mr. JAMES CHAMBERS, called in; and Examined.

Chairman.

2550. You are a Constable of the Buckinghamshire Police Force, I believe?—I am.

2551. How many years have you been in the force?—Seventeen years, last March.

2552. Have you been those 17 years in the Buckinghamshire force only?—Yes; I have served in no other.

2553. Can you speak with regard to the feeling of your men upon this superannuation question?—Yes, the feeling is that they would like a certainty; they would like a certain amount of pension after a certain amount of service.

2554. At the present time the men complain that there is a good deal of uncertainty with regard to their ultimate pension, do they not?—Yes.

2555. And that they have no right to look forward to a pension until they arrive at 60 years of age; I believe those are their main complaints?—That is so.

2556. Can you say what time the men suggest as a fair term of continuous service?—There are two periods suggested, the first is 20 years' service.

2557. They would suggest that 20 years' service should entitle them to a certain rate of retiring pension?—Yes, to half-pay.

2558. Do they suggest any scale afterwards rising from that?—Yes; they would suggest that after 25 years' service they should be entitled to claim a pension of two-thirds of their pay.

2559. Do you think there would be any feeling against fixing a rate which should have, as you have heard suggested, a maximum and minimum attached to it, between which the pension should be granted; that is to say, that after 20 years' service they should be entitled to a pension, the maximum of which should be half-pay, the minimum 0.94.

Chairman—continued.

mum being 10 per cent. less, or something like that?—I do not suppose that the men would object to that.

2560. Practically, that would be making a distinction between constables in favour of those of meritorious service?—Yes.

2561. Have the men in your Buckinghamshire force any reason to complain of the way in which pensions are granted at present?—No, we have not the least; men who have been entitled to gratuities, or who have been superannuated, the county has always behaved honourably to them; they have given the extreme.

2562. In fact, it is not the complaint of any hardship under the existing system, but it is a complaint of the uncertainty of the existing system?—Yes.

2563. And there is a complaint also that 60 years being the period of age at which the claim arises, a man may have to serve too long in the force before he is entitled to it?—Yes, we think that age ought not to have anything to do with it; we think that if a man serves 20 or 25 years he should be entitled to claim his pension and his discharge, if he thinks proper, no matter what his age is, and that his service should count from the time he joined.

2564. Do you know what the age of men joining your force generally is?—They are of different ages.

2565. The general ages, I suppose, are 18, 19, or 20?—Yes, or 25 possibly; there are some older join; they leave other forces and come to us.

2566. Of course there are two sides of every question; there is the man who pays, as well as the man who receives; if a constable were entitled to retire after 20 years' service, supposing

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he had enlisted at 18, and therefore retired at 38, being then a thoroughly able-bodied man, do you think that that would be no injustice to the rate-payers?—That all depends upon the men joining; they cannot all join at one time; a soldier joins at a certain age, and when he has served his time he claims his pension.

2567. The claim of the police is, that they should be placed in a similar position with regard to pensions as is the case with soldiers and with other people who are entitled to pensions?—Exactly so.

2568. That after a certain number of years' service they should be entitled to a pension irrespective of the question of age?—Quite so, but I do not suppose every man would take his pension as soon as he became entitled to it.

2569. Do you think when a man had arrived at 20 years' service he would be inclined to continue in the force for a longer period on account of the larger pension to which he would subsequently become entitled?—I think so.

2570. You believe that when a man felt himself to be still an active officer he would continue in the force in order to obtain the larger pension?—I believe there are men who would do so, but it would depend upon the age and constitutions of the men; but their duties are very heavy in rural districts, because of the length of time they are on duty, and the exposure they are subjected to.

2571. What are the duties they have to perform?—Nine hours, but we work at different hours; the first would run from 6 to 12 o'clock, the second, from 8 to 2, the third, 10 to 4, the fourth, 12 to 6, and the fifth, 2 to 7 o'clock.

2572. With that service, do you think that a man gets fairly worn out as far as service is concerned after 25 years?—I do not think there would be much left in them, because the country is very hilly, and we have to go out of the road to the different farms; it is the inclemency of the weather which tells upon you; you get one cold lodged upon another, until at last it affects the lungs; it is very different from walking in the streets where you have always clean shoes.

2573. What is the scale of pay in your force?—My pay is 5 l. 1 s. per month, but I am a "Merit class," which gives me 1 s. per week more.

2574. How many classes are there in the force?—There are superintendents, first-class inspectors, second-class inspectors, serjeants, and first, second, and third-class constables.

2575. Do you think, speaking from your own experience, that the question of pension came into your consideration at all when you enlisted?—Not at first.

2576. Did it after you had been in the force a little time?—Yes; it did; but I have known many a man who has been in the force four or five years, and just as he had got useful to the force he would say it is all uncertain, I shall leave and look out for something better, where I do not have to get up in the night.

2577. You think that if there had been a pension it would have been an inducement to men to remain?—It would have been an inducement to several men that I know to remain.

2578. Do you think that after two years' service the men begin to feel that they can look forward to a pension?—Yes.

2579. And that feeling, I presume, is increased

Chairman—continued.

by the fact of their having to contribute to it?—Yes, we contribute 2½ per cent.

2580. Do you think that the men would object to a contribution of that amount, if the pension were secured to them?—No, I have never heard the men complain of it, in fact it is stopped, we do not receive it; it is deducted from the pay.

2581. Is there any feeling in your force at all about a point which has been several times brought before the Committee, namely, the question of reckoning the service?—They are of opinion that all their service should reckon.

2582. Do you refer to service on promotion, or general service?—They think general service should count.

2583. Looking at it as a constable, who, of course, feels some interest in his force, do you think that it would not tend to increase the already constant changes if a man could always carry his service with him on changing from one force to another?—I do not think a man would change, because it is very expensive to change about. I think when a man has got used to the officers and the county, he would be content to stop there.

2584. You mean that the inducement to stop is that you are established and have a certainty, which you know of, instead of an uncertainty?—Quite so.

2585. Have the men expressed any feeling with regard to the gratuities being extended to the children of constables who are killed in the service?—They are in favour of that being done.

2586. It is considered a hardship that in the case of a man who leaves no widow, his children should not be entitled to the benefit of that gratuity?—Yes, they do feel that.

2587. Is there anything else which you could mention to the Committee with regard to the superannuation fund?—We are very well satisfied with the existing regulation, with regard to the 15 years' service when a man is declared unfit for duty.

2588. You think that the short pensions are fair?—Yes.

2589. Do you think that the short pension after 15 years are satisfactory?—The men do not complain about that.

2590. It is only the uncertainty of the pension they complain about?—Yes; it is only that we should know whether we can claim a pension at 20 years, or whether we are to go on longer.

2591. The real point is, that as long as there was certainty, the object of the men would be attained?—It would induce men to remain in the service.

2592. It would be something that the men could look forward to in the future which would keep them in the force?—Quite so.

Colonel Dyott.

2593. When you speak of a certainty, you mean a certainty subject to the recommendation of your chief constable; that is to say, subject to the man's merits as to character, conduct, and so on?—Yes, of course.

2594. Now will you tell me this, because your evidence is valuable, having been 17 years in the force; if I gather what you say it is, that a man at the outset does not very much like the force, but the longer he stops in it the better he likes it; is that the substance of your evidence?—We go out at great hazard; we never know what

Colonel Dyott—continued.

what we have to contend with; we are single-handed in the county, whereas in boroughs they have assistance within reach; we have to battle daily with all the roughs in the neighbourhood, and the nearest man to me may be three or four miles away; we have to fight the battle at great odds; we have to do the best we can, and it is not only day, but it is night duty as well.

2595. I do not wish to press it, but in your 17 years' service in the force, have you never had the opportunity of being promoted to a superior office?—It has never come to my lot yet; we cannot all be promoted.

2596. Do not men who enter as police constables look forward to getting the rank of sergeants, inspectors, and superintendents?—Yes, you look forward to it undoubtedly.

2597. Perhaps a man feels a little disappointed if he does not get it, if he knows his conduct has been good?—No doubt, he must do so.

Mr. Torr.

2598. What number of pensioners have you on your fund?—I am not supplied with that information. I do not think there is anyone now; there have been one or two; there is one man who took a pension almost as soon as the force started, but he got able, and thanked the committee for their goodness to him, and resigned his pension.

Chairman.

2599. The man recovered?—Yes, he was assaulted by a man with a billhook, and was nearly killed; he took a pension, but he is now employed as an inspector on the Metropolitan Railway; after a few years he wrote to the committee and thanked them for their kindness, and gave up the pension.

Colonel Dyott.

2600. Of his own accord?—Yes. There was one superintendent who was superannuated; he had a fall from his horse; he came to some arrangement in the way of receiving a lump sum, and I do not think there is anyone on the fund now. There have been a few gratuities given.

Mr. Torr.

2601. Do you think that a claim upon the superannuation fund is more valued by the men than a small advance in the wage?—Yes, I think so.

2602. After how many years' service does a man begin to appreciate the value of his prospect of superannuation?—That all depends.

2603. Married men, probably, more than single men?—Yes, when a married man joins he gets settled, and he does not want to move about much, and if we can look forward after a certain period of service to a certain fixed amount of superannuation, that would give satisfaction, and would tend to induce men to remain in the force, and induce better men to join.

Mr. Biddulph.

2604. Do you think the men take any interest in the sources from which the superannuation fund is derived?—I do not suppose it occurs to the men from what source it does arise; not to all of them, certainly.

2605. But from your experience should you take any particular interest in it if you knew the fund would be augmented from certain fines?—

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Mr. Biddulph—continued.

Certainly not, because a man only has to do his duty; if he finds a case and reports it to his superiors he has done it. If we see a case we lay it before the superintendents, and they lay it before the magistrates, who decide whether proceedings are to be taken or not.

2606. You do not think it would induce the police to be more ready in getting warrants issued if the penalties were applied to the superannuation fund?—No; I do not think so, because we do not issue warrants on our own discretion.

2607. I rather meant to put it in this way; for instance, there are a great many places in which there are great complaints about people who keep dogs without procuring licenses; would it increase the vigilance of the police if they knew that part of the fine for keeping a dog without a license went to the fund?—No, I do not think it would, because if we knew any one now in that position we report it to the proper quarter and they take proceedings.

2608. I am afraid there are a great many dogs kept without licenses?—I do not know how that may be; I am no friend to dogs myself, and do all I can to get them out of the way.

2609. Do you think that if the men had the power of claiming half-pay after 20 years' service, it would induce them to accept service at a lower rate of pay than they do at present?—I do not think it would.

2610. If they had the power of claiming half-pay after 20 years' service, they would probably be more likely to be content with a smaller remuneration than if they had to take their chance of getting their pension under the present system?—I cannot speak to other men's feelings, but I do not think that would be so, because the pay is not very high now.

2611. But still the prospect of half-pay is an inducement?—It would be an inducement to other men to join and to remain in the service.

Mr. Leeman.

2612. Your fund has been in operation almost ever since you entered the force?—Ever since I joined, the force had been in existence then not quite 12 months.

2613. And how many men do you remember in all that time who have been pensioned?—There was one; I took his number after he was injured.

2614. You took his place?—Yes, I did.

2615. Is that the only person who has been pensioned in 18 years?—No, there have been others who have received gratuities; there was one superintendent who had a fall from his horse and he came to some arrangement somehow; he is not in the force now, he left the force and took so much money, I believe, after a year or two.

2616. Then you have no pensioners of that name?—I do not think there are. I am not supplied with that information, because that is all kept at the chief office. I only speak from my own knowledge.

2617. The authorities have been taking from you 2½ per cent. during all your 17 years' service?—Yes.

2618. From which up to this time you have received nothing?—Nothing at all.

2619. How many men have you now in the force who have been in it as long as yourself?—I cannot say, because they are scattered all over the county; we do not meet them; there are five or six in the division I belong to; that is up

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at this end of the county; some of them have been longer; some from the commencement of the force in 1857, who came to us from other forces.

2620. Do you enlist men now at as early an age as 18?—I cannot say, because I am about 20 miles from head-quarters, and we hardly ever go there.

2621. I mean in the part where you are?—They are all taken to head-quarters and drilled. I know there are some very young who come up there.

2622. As young as 18?—I cannot say as to the age, but they look very young.

2623. You would be in favour of giving them half pay after 20 years?—Yes.

2624. You would not expect a man if he could get half his then existing wage to remain in the force, would you?—I do not know; it all depends upon what a man takes an interest in. If a man takes an interest in the service, I presume he would remain, because otherwise he would be giving up whole pay for half.

2625. But at 38, you would expect to find a man at his best, would you not?—I should think you would, unless his constitution failed him.

2626. But just assume a man at 38 at his best, as you say, and entitled to receive an amount equal to 30 *l.* a year as a pension from the force, do you think that man would be very likely to remain in the force?—I could not say that; it all depends upon whether a man took an interest in the service or not.

2627. I would put it to yourself; at what age did you enter the force?—About 25.

2628. Then it is not a fair case; you get about 60 *l.* a year, you say; 5 *l.* 1*s.* per month?—Yes, 5 *l.* 1*s.* per month.

2629. I will assume you at 38 to be entitled to that pension; do you think that with 30 *l.* a year certain for the rest of your life, you would be likely to have a taste to remain in the force for the rest of your life?—I might do. I might see a chance of promotion.

2630. You have been 17 years without promotion?—I have.

2631. They do not do in Buckinghamshire as they do in Leicestershire, find occasions for promotions without vacancies?—But the chief constable will raise men to a higher class.

2632. A man who has been 18 years in the force, you would expect to be a useful man, and able to understand and enter upon business for himself?—He would be very useful to the service.

2633. But he would be just at the age when the service would not be able to retain him if he chose to go?—Not if the 20 years' term was in existence.

2634. At that age he would be a very fit man for a borough force, would he not?—I cannot speak with reference to boroughs; I never was in any force but this; I have never been near them.

2635. But he would be at 38 a very good man for another force?—Yes.

2636. Would you propose that he should be at liberty to take pension and go into another force?—That is a matter I can hardly enter into.

2637. But by your plan he would be entitled to do that, would he not?—Yes, that is the

Mr. Leeman—continued.

general feeling that if a man serves 20 years he should be entitled to half his pay.

2638. Do you think that the feeling upon the part of the men is rather as to the uncertainty?—It is uncertainty now.

2639. It is the uncertainty which operates upon the minds of the men, is it not?—Yes.

2640. But if certainty were once secured by law there would be an end to that feeling probably?—Yes, there would.

2641. Do you think that men would then care, or give themselves any thought about the source from whence that certainty came?—I do not see how the men can have anything to do with that, because if they see anything wrong they report to the superintendents, who lay it before the bench, and if they do not think fit to issue summonses the men have nothing to do with it.

2642. Suppose that the men had a certainty of pension out of some fund, do you think they would care out of what fund it came?—I suppose they would, if they cared for the service.

2643. Suppose the pensions they are entitled to receive were payable to them out of the county rate?—I do not see what that has to do with it, because if a man sees anything wrong he has to report the case, and whether the money goes to the superannuation fund or not is nothing to him.

2644. Suppose there was a law that at 20 years you should be entitled to half your wage, and that after 25 years you should be entitled to retire upon two-thirds, you would not care where that came from so long as it was secured to you?—We feel that we pay a certain amount to the superannuation fund, and that we are entitled to something from it.

2645. Admitting that you are entitled to what you now mention, it would not matter where it came from, provided you were certain to receive it?—I say, assuming it were certain that we should receive it, it would induce men to remain in the service.

2646. Have you any reason to suppose, from what you have seen of the magistrates of Buckinghamshire, that they have not a good feeling towards the police?—The magistrates of Buckinghamshire have always behaved very honourably to those who have come under their notice. They have always given as much as the Act would allow both in the way of gratuities and pensions.

2647. You have in your fund in Buckinghamshire 2,768 *l.*?—I do not know that; I am not supplied with that information.

Colonel Dyott.

2648. I think you told the Committee that the average number of hours you were on duty was nine?—Yes, three in the day and six at night; but then we are at beck and call always if we are off duty, and anything comes up we are obliged to go to it, but that is the average laid down by the chief constable, which we do not complain of.

Mr. Torr.

2649. Do you get any extra wages for attendance at fires?—That is left to the discretion of the chief constable; if there is anything given, it is reported to the chief constable, and he exercises his discretion.

Chairman.

2650. You mentioned a case in which a man when

Chairman—continued.

when he recovered from the injury upon which he got his pension, stated that he would no longer draw it?—Yes, that was the case.

2651. Do you think there would be any objection amongst the men, in case they were

Chairman—continued.

pensioned upon medical certificate, to report themselves from time to time for a continuation of their pension, or to rejoin the force if they were found again?—I have never entered upon that question with the men.

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Mr. THOMAS GIBSON, called in; and Examined.

Chairman.

2652. You are a Superintendent of Police at Leeds, are you not?—Yes, I am.

2653. What is the strength of your force?—Three hundred and fifteen.

2654. Can you speak to the feeling of the men with regard to this superannuation question?—Very well; indeed, if you will allow me to say so. I recollect that in 1866 when I was serving in Hampshire as a superintendent, there was a committee of magistrates appointed to inquire into the condition of the Hampshire police, and I was called before that committee to give evidence, and was asked by Lord Eversley, the chairman, if I could suggest any alteration in the service, whereby a better class of persons might be induced to enter the police, and by which their services might be longer retained, than under the present circumstances. I was requested to reduce my reply to writing, and I should be glad if the Committee would allow me to read them one or two paragraphs which I then wrote; this paper was dated the 26th November 1866: "I trust that the committee will excuse my calling their attention to the invidious position in which I am placed as regards the chief constable, in offering for their consideration any suggestions on so delicate a point; however, taking into consideration the fact that every other county has raised the pay of its police, I am of opinion that an increase of pay in this county is of primary importance, and if it were augmented to an equal amount to that now given in the surrounding counties, I think a better class of persons might be induced to enter the service, with a view of making it their profession, if it were generally known that breaches of the regulations would be visited with less severity than had hitherto been the case, and if there were fixed periods of service, after which fixed retiring allowances could be claimed."

2655. That was with reference to the Hampshire force, as I understand?—Yes; since that time in fact, my suggestions were published and caused me a lot of correspondence; I have written much on the superannuation question which has been published in the "Police Guardian" and other journals. My communications have entailed upon me a large amount of correspondence with nearly all classes of police officers, and from nearly all parts of the country, and the tenor of the letters which I have received, induces me to believe that there is a very wide spread dissatisfaction existing in the police on the subject.

2656. Is that more recent than the first statement which you read?—Yes.

2657. But, as I understand you, in 1866 you felt that there was among the police force a dissatisfaction with the existing state of pension?—Yes.

2658. And that belief has been strengthened by the correspondence which has followed upon
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Chairman—continued.

the evidence you gave since that time?—Yes, the men say that they are entirely at the mercy of the chief constables. Under the 2 & 3 Vict. c. 93, s. 6, the appointment of county constables is subject to the approval of the justices in petty sessions assembled, but the chief constable may, and does at his pleasure, dismiss all or any of them.

2659. Does that bear upon the question of superannuation?—Yes, I think it does. The manner in which this power is exercised in some cases greatly affects the superannuation question, for one chief constable will dismiss a man for an offence for which another chief constable, or the authorities of a borough would consider a fine of 5 s. or 10 s. a severe punishment.

2660. That is a question of discipline in the force, is it not?—Yes, but it affects the superannuation; a man loses his service.

2661. But a definite claim to pension after the years of service which you suggest, would not correct the difficulty you are now speaking of?—No, it would not. If a constable is dismissed from one force, no matter what his offence may have been or the length of his service, he is, by the rules made by the Secretary of State, ineligible to join any other force; but there are many cases where such constables have, after investigation, been received into other forces, which goes to prove that if there were a place of appeal, or if the conduct complained of had been originally inquired into, and the case disposed of by, and with a similar approval to that required on appointment, many of the dismissals which now take place would not occur at all, and men would not so easily lose their service or prospect of superannuation as is now the case; nor would there be the necessity for a continual training of young and inexperienced men, at the expense of the ratepayers.

2662. But has that any bearing at all upon the question of superannuation; does not that bear very much, or entirely, upon the question of discipline?—It takes from him his service.

2663. Do you hold that a constable should not lose his service from breach of discipline, or misconduct?—No, certainly not; I could not maintain that.

2664. Then how would you propose to meet the difficulty you have suggested, because, I suppose, we must be always subject to the ideas and opinions of different chief constables; you could not lay down any line upon which chief constables should be universally bound to act?—I think if a man commits himself so outrageously as to call for his dismissal it should not be left with one person.

2665. I understand you to agree with one witness who has already suggested to the Committee that the decision of the chief constable should be subject to revision by the authorities
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Chairman—continued.

of the county?—Yes, in the same way as in the boroughs.

2666. In the same way as the head constable in boroughs is subject to the watch committee?—Yes, quite so.

2667. Do you think there is any danger in such a suggestion of the chief constable losing his authority from being subject too much to the county authorities?—I think not.

2668-9. From your knowledge of the force in which you are now, and from your previous service in other forces, this question of pensions, as now granted, is a question very much considered in the force?—I am sure of it.

2670. And you think that the force in which you are at present generally feel that there is great injustice in the uncertainty of pension which at present exists?—Yes.

2671. What do you believe is the general feeling with regard to an alteration in the system?—Under the Act of Parliament 3 & 4 Vict. c. 88, the time and the amount has been already fixed, and in those respects it is satisfactory.

2672. Do you refer now to the intermediate pensions before the age of 60?—Yes.

2673. Those that are granted upon medical certificate?—Yes, but the conditions are extremely unreasonable: that is what the men say; what the men want is, after a given number of years' service that they may be able to claim, as in the army, and as a matter of right, a fixed annual sum from the superannuation fund.

2674. What period of service do you believe the force generally advocate?—They stick, I think, to the time already fixed, but if a claim to pension were allowed they would not object to an addition of two years being made to either 15 or 20 years; 15 for the half-pay and 20 for the two-thirds.

2675. Your feeling and the feeling of the men you are acquainted with is, that there should be fixed a different scale from that suggested by the last witness; you would begin earlier than the last witness, and instead of 15 years' pension on medical certificate you would ask for the right to retire after 15 years' service?—Yes; but if a claim was allowed they would make it 17 years.

2676. That would be in fact doing away with the present system of pensions entirely?—Yes.

2677. Leaving the question of gratuities below 15 years' service, as it is now?—Yes.

2678. And the setting up after 15 years' service, a scale which would give half-pay at 15 years' service with an increase to two-thirds at 20?—Yes, as now.

2679. And you believe that that is the feeling generally of the men you are acquainted with?—Yes, and the feeling also of all the other forces throughout the kingdom.

2680. With regard to the transfer of service, do the men also feel strongly upon that point?—Very strongly.

2681. That is with regard to carrying their service into other forces?—Yes.

2682. What do you think they ask?—The men say that they think the whole of their service should count, no matter where performed.

2683. Let us look at it from the point of view of the efficiency of your force; yours is a large force?—Yes.

2684. Therefore the efficiency of that force is a very great consideration?—Undoubtedly.

Chairman—continued.

2685. To produce that efficiency you wish to retain men in the service?—Certainly.

2686. Probably the worst constable you can have is the man who is constantly shifting?—Certainly.

2687. Do you think that allowing a man to carry the whole of his service anywhere, on shifting would be a great inducement to constant change?—Yes; but I would make it a condition that where a constable shifted in that way the borough to which he went should take the responsibility of his prospects of superannuation.

2688. You would restrict his change of service by making it a penalty upon the force that was receiving him, that is to say, that if a force chose to enlist such a man they should be bound to take the whole of his previous superannuation service?—Yes, in that way the evil would cure itself.

2689. Do you think that the men would be satisfied with the prospect of their being received into another force upon those terms?—That I cannot say, that would be their look out; but I would give no larger amount than two-thirds of the pay, except in cases of injury or accident to a constable.

2690. And only after the periods you have mentioned?—Yes; many officers under such circumstances, when finding themselves failing in health and unable to bear the wear and tear of the service as formerly, would leave the service, and by this means a greater flow of promotion would be secured to younger and deserving officers, while it would also act as an additional inducement for good men to join the service, with a view to making it their profession.

2691-5. As I understand, all that you have stated or read from that paper practically was as to what took place some years back in the year 1866 in the Hampshire force?—Yes.

2696. But coming back to our inquiry about the force in which you are, and the feeling of the men in that force, you wish to repeat what you have said, that their feeling is in favour of an actual period at which they may claim a pension, and that that period is 15 years in the first instance and 20 years in the second?—Yes, or 17 and 22 years; it so happens that there is a man of 33 years' service in the Leeds police force; he has done no duty during the last six months in consequence of illness, and is almost entirely worn out, but in consequence of his only being 57 years of age he has no claim for a pension.

2697. You mean that his illness is not sufficient to obtain him a medical certificate for pension?—It is hardly like that, but he has done no duty for six months, and he is not recommended for pension.

2698. He is not recommended for pension because, I suppose, his chief constable hopes that he will recover and return to his duty?—We have a young chief constable who has lately joined. This case which I have referred to is one in which a pension would be of little avail; our men in Leeds know that the man is almost dying; I saw him two or three days ago, and he said, "I am afraid I shall never go out of my house again," and a pension to him would be of little avail, seeing that he is, at 57, standing with one foot in and the other only just out of the grave.

2699. You adduce this as an argument against the 60 years' limit, because here is a man who ought

Chairman—continued.

ought to leave the force, but who remains in it waiting for the period at which he would be entitled to claim the pension?—That is so.

Colonel *Dyott*.

2700. Are you the head of the Leeds police force?—No, I am only one of the superintendents.

Mr. Torr.

2701. How long is it since you left the Hampshire force?—In the latter end of 1866.

2702. What position did you hold there?—I was superintendent.

2703. Under what circumstances did you leave; what was the cause of your leaving?—It was in consequence of a disagreement with the chief constable.

2704. What was the nature of that difference?—It was greatly in consequence of the nature of the evidence which I gave before the committee of magistrates.

2705. The chief constable did not take the same view of the matter that you did, I presume?—He did not.

Mr. Leeman.

2706. How long have you been at Leeds?—Nearly eight years.

2707. Who is the chief constable now at Leeds? *Mr. Henderson.*

2708. How long has he been there?—A few months only.

2709. According to your view you would take a man, say from the Hull force, and you would make Leeds responsible for the number of years the man had been in the Hull force, in determining the question of superannuation; have you ever mentioned such a matter as that to any of the watch committee?—Not to the watch committee.

2710. Do you think that would be the view of *Mr. Henderson*?—I spoke to him only yesterday, and he said, he thought we should not get what we asked for.

2711. Do you think you would get your town council to take a man from Sheffield, for instance, who had been 15 years in the service, and count that against the superannuation fund at Leeds; is that what you mean?—Not exactly.

2712. That is the effect of what you have said, is it not?—If a man left the Sheffield force, and the Leeds police took him in, I think they should take the responsibility of his previous service.

2713. Do you think that *Mr. Henderson* would ever take 15 years' service from a man who had been at Sheffield, or York, or Hull, and add it as against your superannuation fund at Leeds?—I am afraid not.

2714. I understand you to say that as far as

Mr. Leeman—continued.

your views go, you would take a man say from Hull or York, and expect the Leeds superannuation fund to provide for him?—To take the responsibility.

2715. If they take him?—Yes.

2716. What do you think your own men who have been in the Leeds force, say for 10 years, would say to a state of things like that?—I think it would have the effect of keeping the men in the force, and not letting them change about so much.

2717. Do you think that your taking a man, and letting him count against the Leeds superannuation fund, would be satisfactory to your men who had been subscribing to the fund during all that time?—I do not think they would like it.

2718. Have you ever found any difficulty with the Leeds watch committee as regards superannuation?—No, both pensions and gratuities have been given as far as the Act of Parliament allowed.

2719. Then you have nothing to complain of about your own Watch Committee?—No.

2720. Who was your previous chief constable at Leeds?—*Mr. Wetherall*. He died in October last.

2721. Where did *Mr. Henderson* come from?—Manchester.

2722. He had been in the Manchester force some years, had he not?—Seven or eight years, I think.

2723. Have you consulted with him at all?—I did, yesterday.

2724. Did he agree with you as to taking men from another force, and letting their years of service count upon the superannuation fund of the new force?—No, we did not go so far as that; the only question discussed between us was as to the number of years' service, and the amount of pension.

2725. How many men had you in the Hampshire force?—Two hundred and sixty-two at the time when I was there; at present, the number is about 270.

2726. According to your view, then, you would, at 15 years' service, allow a man to retire, giving him as pension half of what he had been receiving as pay?—Yes, or at 17 years, if the claim was allowed.

2727. That he should have half?—Yes.

2728. Or, at 20 years, two-thirds?—Yes, or 22, if the claim was allowed.

2729. Do you mean that he should make the claim at 20 years?—No; if the man was allowed to say, I can claim it, then it might be made 22 years.

2730. That is to say, if it was made fixed and certain?—Yes.

Mr. Gibson.

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Major EDMUND HERBERT, called in; and Examined.

Chairman.

2731. You are, I believe, Chief Constable of Monmouthshire?—I am.

2732. What is the strength of your force?—One hundred and twenty-two men.

2733. Can you state the number of men, and their different periods of service in the force; how many have you over 15 years' service?—There are 19 men who have served from 15 to 18 years; and 20 from 10 to 15 years.

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Chairman—continued.

2734. There are no men of longer service than 18 years?—No, the force was only established in 1857; 18 years ago.

2735. What is the per-centage deducted from the men?—Two-and-a-half, the maximum.

2736. What is the capital amount of your fund since its establishment?—The last return was 5,377 l.

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2737. There

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Chairman—continued.

2737. There has been a gradual increase, has there not?—Yes.

2738. How much was the income last year?—About 512 l.

2739. How was that income made up?—It was made up partly of the per-centage deducted from pay, and partly of fines inflicted on the men by the chief constable, and the moieties of penalties imposed by the magistrates.

2740. Are the moieties of penalties generally applied in your county to the fund?—Yes, they are, when the police are the informers, but only the moieties.

2741. And your present excess of income over expenditure is still considerable, is it not?—It is still considerable.

2742. Therefore your fund is gradually increasing?—Our fund is at present in a very healthy state.

2743. Can you state the number of pensioners there are at present receiving pensions out of the fund?—The last returns which we sent up to the Secretary of State showed that there were only two; there are now three, one having been recently appointed.

2744. At present, from the length of service of the men who have been in your force, that number is not likely to be increased for some time?—It is not; the fund is likely to be solvent for a good many years.

2745. Do you believe that the fund, constantly supported as it is, and with a prospect of having an increase to its capital for some years, is in a position to be considered self supporting?—Unless there are some additions made in some form or other, eventually, it will not be solvent.

2746. You look forward to the time coming when the number of pensions upon that fund will increase the expenses to an amount which will swallow all your income?—I do.

2747. How would you propose to strengthen the fund, so as to enable it to bear that strain?—I would propose in the first place to give the whole of the penalties in cases where the police were informers. Under the former Police Acts there was power to give such portion as the magistrates might determine, but subsequent Acts have been passed; for instance, the Licensing Act under which only half can be given, therefore the police fund is in reality worse off now in the way of receiving penalties than it was formerly.

2748. It is also liable to the uncertainty, under the present system, of the magistrates not giving even that moiety?—Quite so, the power is only permissive.

2749. And you think that in order to make the fund a self-sustaining fund, the whole of the penalties which are derived by the police as informers under these various Acts, should be applied to the fund?—I do.

2750. Have you thought at all whether the fees for the services of the police; that is to say, for the service of summonses, and the execution of warrants, and the service of notices on licensing questions, as has been suggested to-day, should be applied in countries as the fees for service of summonses, and so on, are in boroughs, to that fund?—Quite so; I see no reason why the law should be different in counties from what it is in boroughs.

2751. Did you hear the evidence of Mr. Jac-

Chairman—continued.

son the Chairman of the Police Committee in Lancashire?—I did not.

2752. He suggested that there was a distinction which ought to be drawn, in his opinion, between funds which contributed to the county rate and funds which passed to the police rate, and whilst you ought to strengthen your superannuation fund by any fund now passed to the police rate it was not right, in his opinion, to add the moieties of penalties now going to the county fund; do you agree with that suggestion?—I do not see any distinction of that kind; the moieties go to the county rate and the fees for the service of summonses, and the execution of warrants go to the police rate, and it was to those fees for the service of summonses and the execution of warrants that I referred.

2753. But I understood you to refer also to the other half of the penalties; at present one-half of them is applied to the superannuation fund, but one-half is paid to the county rate?—I think that might be paid to the superannuation fund.

2754. You see no objection to that being paid to the superannuation fund?—I see none.

2755. You think that the boroughs which pay a certain amount to the county rate would not feel aggrieved that the fund to the sustentation of which they had contributed should be added to a fund for the benefit of the county police?—I do not think they would; there are now cases in which fines for assaults inflicted in boroughs under a separate magistracy are paid to the county rate.

2756. You believe that by the adoption of the suggestions you have made, a fund of the kind that you have could be made thoroughly self-supporting?—That would depend upon the scale of superannuation.

2757. Now we will come to that scale; is the present scale of superannuation administered liberally in your county?—My experience covers only three men: we have only three men upon the fund, and we have administered it liberally, but I had to use very great exertion and argument to get it in one case; with regard to the last man who was pensioned, it was suggested at first only to give him 10 s. a week; I refer to that case because it was rather a strong case; he had been 17 years in the force; he was a serjeant, and had been injured, and had lost his health in consequence; owing to the uncertainty of the superannuation I had kept the man on as long as I could doing a little easy duty, and I was obliged to tell him at last, "You must take your chance; I will recommend you for half your pay, but my recommendation may have no effect with the quarter sessions." The matter was referred to a committee, and, as I stated, the first suggestion of the committee was to give him only 10 s. a week, whereas his half-pay would have amounted to 16 s. 4 d., but ultimately, after a large amount of discussion, the poor fellow got the 16 s. 4 d.

2758. Do you feel that the men have justice upon their side when they say that they are not satisfied with the state of things which leaves such an uncertainty possible?—I do, for this reason; that in the police force there is a contribution of 2½ per cent., which is compulsory, while in the army there is none, and in the civil service and in other services there is no compulsory contribution, and I think if there is compulsory contribution, and a man conducts himself properly

Chairman—continued.

perly for a certain period, he ought to be able to claim a pension at the end of that period.

2759. Therefore you think that what has been suggested is reasonable, that a period of service should be substituted for the present system of pension?—I think there should be two regulations, one for a man who is injured in the service, and another for length of service.

2760. That would practically leave the case of injury in the service as it exists, according to the present system of medical certificate with a pension granted upon that certificate?—Except that it is a case of "may," the Act of Parliament, section 11, says "may," and in many counties that is interpreted as being left to the option of the magistrates.

2761. In fact, you would suggest that a scale something similar to the metropolitan scale, or to the scale laid down for the Irish constabulary, should be adopted?—The latter is a very low scale; it is half-pay after 25 years, I believe.

2762. But I am talking about the scale that was laid down for injuries during service, which is granted upon medical certificate, and upon the recommendation of the head constable or chief constable?—I think there should be some scale upon which, upon medical certificate, and upon the recommendation of the chief constable, a man who was injured should be absolutely able to claim his pension. There is a provision now in one of the Acts, that the pension may be for a limited time, at the termination of that time, if the constable does not recover, then his pension continues; I think it would be very well to reserve that, because doctors are not infallible; a man may be dying to all appearance one year, and the next year may be recovered.

2763. It has been suggested to the Committee that when a man was given a pension upon a medical certificate, he should be bound to report himself after a certain period, in order that it might be seen whether he was fit to return to service, or whether the pension should be made absolute?—Yes. I may state that the only way in which I got a pension for this sergeant, was by calling the attention of the magistrates to that Act, and that if they gave a pension for two years, I should be satisfied, and it could be renewed.

2764. You think that those pensions upon the recommendation of the chief constable should apply to all periods below a certain period?—Yes, I think so.

2765. After what length of service should you say a pension should be given for incapacity?—I have thought it over and consulted the men upon the point, because I think it is important that the men should be satisfied. For length of service, the scale I would recommend should begin after 20 years, and take it in twentieths for each year; that would be after 20 years' service, eight-twentieths; after 21 years, nine-twentieths; and after 22 years, ten-twentieths, and so on until after 27 years, fifteen-twentieths. The suggestions, of course, by the men were far more liberal; it struck me that they were too liberal for your Committee to entertain, but that possibly you might consider ten-twentieths; that would be half-pay after 22 years, and so on, up to the maximum. Then I would also suggest that a man's service should not count under 22 years of age.

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Chairman—continued.

2766. That he should not begin counting service for the superannuation fund whatever age he enlisted until he was 22?—Quite so.

2767. From that time he would have to serve 18 years until he could claim as a right a retiring pension?—Yes.

2768. Would you limit practically the right to pension upon that scale to between 15 and 18 years of age?—I should not interfere with pensions upon medical certificate, but what I am referring to now, is pension for length of service.

2769. I suppose you think the great object for the efficiency of the service, is to retain men in the force?—Decidedly.

2770. Do you think that by entitling them to an absolute retiring pension after 18 years' service, the increase of the pension after further service, would be sufficient to retain good men in the force?—I think after a man has got over the first two or three years he settles down, he gets used to the hardships, and if he has the prospect of a pension after a certain number of years, I think he would be likely to remain.

2771. You would still retain him, because he would look forward to rising from the half-pay at 20 years, or the smaller pay of the lesser period to getting two-thirds for a greater length of service?—Quite so.

2772. Have you thought at all of the expediency of fixing a maximum and minimum limit between which maximum and minimum the discretion might lie with the magistrates?—No, I have not, because you would then have the same difficulty of the dissatisfaction of the constables; they would not be able to say for certain, if we conduct ourselves properly we shall get a certain pension.

2773. You do not think it would be advantageous to have the power of altering the pension scale, so as to secure to the meritorious officer a somewhat larger pension than that of the officer who is simply entitled to pension from length of service?—I can hardly fancy any chief constable keeping a constable in the service for 20 years who was not a meritorious officer; I can answer for it in counties (I know very little of boroughs) that no chief constable would keep a man who was not deserving for 20 years.

2774. Therefore you think it would be quite sufficient for the efficiency of the service if you laid down the scale you suggested?—I think so; the scale begins at 20 years, and goes up to 27 years, when he would have three-fourths.

2775. Would you rise at the same rate between 20 and 25 years; would you rise one-twentieth each year?—Yes, until a man had served 27 years, that would give fifteen-twentieths, or three-fourths of his pay.

2776. And that should be the maximum amount which he should receive?—I think so; for this reason, that it is very desirable to keep young men in the force; I would also suggest, that no man be retained in the force after 52 years of age, unless on a special certificate from the Government Inspector. The reason that I suggest that is this: at present, as you are aware, a man cannot be pensioned until he is 60 years of age, and men are kept on when it becomes a labour to them to work their beats correctly, or until it is physically impossible for them to do their duty, simply for the reason the chief constable does not like

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like to cast them aside on the uncertainty of what they will receive.

2777. But supposing the system which you suggest to be adopted in lieu of that system which now exists with regard to age, would that continue to be the case?—I do not think it would in counties, but it might possibly in boroughs, because it is considered economical to keep on an old man, though he may not be efficient.

2778. And you think the men themselves would not leave when they had a right to superannuation?—I think not always, many an old man will keep on till he drops.

2779. Do you think that under this altered scale a large number of pensioners will be thrown upon your fund?—Eventually, certainly; but the police would be more efficient in consequence.

2780. A number of pensioners being thrown upon your fund and making it not self-supporting, eventually would necessitate the additions you have mentioned to support it?—I think eventually it would not be self-supporting even with those additions under this new system.

2781. How would you propose to meet the difficulty of the superannuation fund, that must eventually, as you say, become bankrupt?—In my own county it would be a long time before the fund became bankrupt, because I have always adopted the principle of enlisting young men; but in some counties no doubt in a short time the fund would become insolvent.

2782. Have you considered the idea that you might arrive at a solvent fund by enacting that the capital of the fund should never be trenched upon, and that out of the income of each year a per-centage should always be applied to the capital until it became self-supporting?—I have, and I have considered this point that at present you are obliged to trench upon capital to make up any deficiency.

2783. That is because the law says you are obliged to exhaust the capital before you come upon the rates?—Yes, my opinion would be that if the interest on capital was not sufficient then you should apply to the rates; but that the Government Treasury should contribute half of that, just as it does to the pay.

2784. You would bring in the Consolidated Fund in support of the superannuation fund?—Only in case of deficiency, I think it would be at the expense of the police; it would be a charge upon the police rate, and I think in fairness there is no reason why Government should not contribute.

2785. Supposing that principle to be established, there would be no reason why the Government should not say, you must not trench upon capital, but you must increase the capital annually by a certain contribution out of your income?—Quite so.

2786. And that you must apply certain funds to support your income?—There are some little funds, such as endorsing pedlar's licenses and the sale of old clothing, which might be so applied.

2787. Those are at present applied in that way, are they not?—The sale of old clothing and of old stores is applied in that way, but not legally I believe.

2788. Is that under the Act or under a regulation?—The sale of old clothing is under the Act, but the sale of old stores is under regulation. I suggested just now that constables

Chairman—continued.

should not serve after they were 52 years of age. I do not know whether there is anything before this Committee with reference to chief constables, but I have a strong opinion that a chief constable should not serve after 60 years of age unless he is certified.

2789. With regard to chief constables, would you place them in a different position from what they are in at present; at present, as I understand, their superannuation is charged upon the police rate?—At present the chief constables of counties do not contribute to the superannuation fund, and their pension is not charged to it. It is for a very good reason they do not contribute; for it would be rather unpleasant to them to have to recommend to the court a pension upon a fund to which they contributed and were dependent upon.

2790. You see no reason, I presume, why the present system, with regard to chief constables, should be altered?—Pardon me, if the pensions became fixed, then that feeling would no longer exist.

2791. Supposing that they were all made charges upon the superannuation fund, would you make any distinction with reference to the deductions to be made from the different ranks; if the men paid 2½ per cent., would you fix that as the amount to be contributed by all classes, including the chief constables?—I think so. I stated just now that I thought the chief constables ought to retire, or, at all events, have the option of retiring at the age of 60, and for this reason: a case lately occurred of a chief constable who died at the age of 75; that chief constable was totally inefficient, but the magistrates did not wish to pension him on account of the expense. I know another chief constable of 71 years of age, who is at this moment anxiously waiting that Parliament should do something, because his magistrates do not wish him to retire, though he feels himself that he is past work.

2792. Would you lay down a period of service which should apply to the whole force, including chief constables?—I would. By chief constables, I mean only chief constables of counties; the boroughs are under entirely different regulations.

2793. As I understand you, in any proposed new scheme, you think that all the members of the force, of whatever rank, should not only be contributors to the fund, but should be entitled, after a fixed period of service (that period to be arranged) to claim a pension?—I do.

2794. Has your attention been called to the fact, that the force feel a good deal upon the point of carrying their service along with them on changing into different forces?—It has.

2795. What is your feeling with regard to that point?—I think the present Act is a good Act, and I am doubtful whether it ought to be altered. The present Act, as you are aware, requires a recommendation from the two authorities, and the men only count half their time after seven years of service; but I think it right to say that the men are exceedingly dissatisfied about it, and they think that they ought to count their whole service.

2796. Do you think that dissatisfaction generally attaches to all changes in the service, or merely to what at present is the rule, namely, changes on promotion from one force to another?

—I think

Chairman—continued.

—I think the men would wish to be able to change from one force to another as often as they like. I need not say I do not agree with them.

2797. You do not think it would be advantageous for the efficiency of the service?—Certainly not.

2798. You think it would be an inducement to them to become rolling-stones?—There are rolling-stones enough already; but I think upon promotion they might, perhaps, count the whole of their service.

2799. Upon promotion, that being always by consent?—It is by the consent of the chief constable upon the one side, and the watch committee upon the other.

2800. In that case they would be assenting parties to the change, and it would be no real injustice, and it would be of advantage to a good man, if promoted to another force, that he should be able to count his back years of service?—I think so; you have the taxing authority consenting, and you have the chief constable consenting.

2801. It has been suggested, as I believe you have heard, that there should be some ultimate appeal from the chief constables in counties as there is in boroughs; do you see any objection to that as interfering with discipline?—I think I may mention that the chief constables of counties are placed in an entirely different position, by the Act of Parliament, from what the head constables in boroughs are. We are a sort of watch committee; the watch committee attend to matters of police in boroughs, but in counties one man has the government of the force with regard to the appointment, dismissal, and punishment of the men. I cannot say that there ought to be an appeal; though personally, I should have no objection to an appeal to a court properly constituted; but I will say this, that in looking over the Government returns, I found there were more men in the year that I looked at dismissed from boroughs than there were from counties, that is to say, more men dismissed by the watch committees than there were by the chief constables, which at all events shows that we do not dismiss men if we can help it. Every year the difficulty of getting men is so very great, that I think no chief constable, if he could possibly see his way to keep a man, and to keep him straight, would dismiss him.

2802. Naturally the wish is to keep good men in the force?—Quite so.

2803. Have you found much difficulty in recruiting men in your force?—I have found immense difficulty; I may say that my county is one of the counties where a strike is going on at this moment, and in 1874 in Glamorganshire and in Monmouthshire the general wages were so excessively high that the police forces were gradually disappearing; the men were attracted to other employments. In my own county we lost 29 per cent. in one year, and I suppose in Glamorganshire it was about the same. The two counties then at my suggestion had a meeting, and we raised the scale of pay very considerably; we raised it in our county from 21s. to 24s. on joining, and rising from that rate.

2804. That bore, I presume, a fair proportion to the rate of the agricultural and manufacturing wage of the surrounding districts?—It did, but 0.94.

Chairman—continued.

it bore no proportion to the wages at the collieries and ironworks where most of the men are stationed.

2805. Have you found since that rise that your men have left you to a less degree?—Yes, and some of them have returned.

2806. Do you believe that a system which gave the men some confidence in ultimate pensions would be a means of strengthening your hands and detaining men in your force?—Most decidedly I do.

2807. You think that a system of this kind would afford a prospect which the men would look forward to, and which they would be sorry to throw up, and would therefore remain in the force?—I think after a man had been six or seven years in the force, that man would, almost as a certainty, serve his 20 years; and if he had served his 20 years he would go on, if he was in good health, and serve his 27 years, because an old policeman is of no use when once he leaves the police.

2808. I suppose your changes mostly take place among the new men?—Yes, the very large percentage.

2809. That being owing to the fact that they come in in ignorance of the duties they would have to perform, and find them different from what they anticipated?—Quite so.

2810. Do you think that the pension being an established fact, your officers and men also in your force would assist in getting a better class of men, by recommending the force, which perhaps they do not do so much as they might at the present time?—I think my men do recommend the force, but unfortunately the wages with us are so dreadfully high that we cannot compete with them.

2811. The reason why I mention that is that it has been stated before the Committee that a system of that sort would tend very much to increase the efficiency of the force, because the sergeants and men in the force knowing that men would have this pension to look forward to would bring recruits into the force themselves?—I think that ultimately, when a certain number of pensioned men were scattered about the county having sufficient to live on, that would induce other men to join.

2812. Do you think that officers serving at the time would hold out greater inducements to people outside the force to come into the force because they could place this ultimate benefit before them?—I can only repeat that I believe my own men do all they can to help me. I should add, that it would assist me in advertising for men if I were able to say that they could claim a pension after so many years.

2813. Do you see any objection to the idea which has been suggested with regard to gratuities extending to children as well as the widow?—I think it should be extended to children dependent for support upon their parent.

2814. That is to say, children under a certain age?—Quite so.

2815. And that where no widow was left the children should be entitled to claim the gratuity?—I quite think so.

2816. At present the law is, that if a man dies in the service his widow is entitled to a gratuity?—Quite so.

2817. But if a man dies leaving children under
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a certain age, but no widow, the children are unable to take?—Those children ought to be able to take.

2818. Is there any other point which you would wish to urge before the Committee?—I think that if a policeman under 15 years' service loses his health there should be a gratuity given of one month's pay for every year's service.

2819. You would fix that as a certain scale?—Yes; and I think there should be the power of giving a larger amount to a man who is actually injured by wounds in the execution of his duty.

2820. Would you have that scale of gratuities charged upon the superannuation fund?—I would.

Mr. Scourfield.

2821. You originally established the force, I believe?—Yes, I started it in 1857.

Mr. Cotes.

2822. With regard to the superannuation of chief constables in counties, would you regulate that upon the same scale as you propose for the men?—Yes, I would.

2823. What is the maximum age at which a chief constable may be appointed?—Forty-five.

2824. As a matter of fact, one was appointed over that age the other day, was he not?—I believe he was disallowed.

2825. At what age should you say they ought to retire unless they show themselves specially qualified to continue?—I think that a chief constable ought to resign at 60, unless the Government inspector certifies that he is fit for further service.

2826. If he was elected chief constable at 45 years of age, and your scale was in force, he would not be entitled to any superannuation at all at 60?—But I did not say that he was to be elected at 45.

2827. But he might be?—I think 45 is too old to begin.

2828. At the same time, if it was the opinion of the magistrates of the county that a gentleman whose age was 45 was the best candidate, he should be appointed?—There are many circumstances which regulate the opinion of the magistrates in counties.

Colonel Dyott.

2829. You observed that there would be no objection to men having a power of appeal?—Personally, I would have no objection to men having the power of appeal to a properly constituted court.

2830. Would you consider a police committee, being a committee of magistrates, a proper court of appeal?—I would rather have a number of magistrates selected in each case for the purpose, a special committee appointed, and I would only have it apply to a constable who was entitled to superannuation.

2831. With regard to men of long service who are inefficient from age, you told the committee of a chief constable of 75 years of age, but from whatever cause if they are inefficient you do not suppose they are retained in the service from any motive of economy?—Yes, I do.

2832. It cannot be economy to retain an inefficient man?—It may be a mistaken notion of economy.

2833. Is it economy at all to pay an inefficient

Colonel Dyott—continued.

man?—It is a foolish economy which is often practised.

2834. I cannot see the economy at all in paying a man who is inefficient; it appears extravagance, rather than economy?—It depends upon whether you consider 75 an efficient age.

Mr. Leeman.

2835. As I understand you, you do not think a man ought to commence earlier than 22 years of age to count service for his superannuation?—I think not.

2836. Your plan would, therefore, always make it 40 years of age before a man was entitled to superannuation?—It would, and more.

2837. And the same with regard to the 27 years, a man must be 49 years before he can claim a pension of three quarters?—Yes.

2838. And those are the two bases upon which you would establish the superannuation scale?—That is so.

2839. I observed you stated that you would come upon the Consolidated Fund for a contribution in case of deficiency?—Only in case of deficiency.

2840. But do you see any reason why the Consolidated Fund should not contribute in all cases, seeing that the superannuation according to your view is part of what is necessary for the proper constitution and continuance of your force?—If the superannuation fund is made up by fines and fees, and is no positive expense to the county, I do not see why the Consolidated Fund should contribute, but when once it becomes a charge upon the police rates, I think it would be fair for the Consolidated Fund to contribute.

2841. But do not the fines and fees at this moment go in diminution of the county rate?—The moiety certainly does.

2842. Therefore, to that extent the county rate does now suffer?—It does.

2843. Can you see any reason why if superannuation is really a necessary adjunct to the police force, the Consolidated Fund should not in all cases contribute the one half, as it does to the other ordinary expenses of the police?—I see no reason, and I am sure the local authority would be most grateful.

2844. You spoke about the superannuation to chief constables; do not you think it would be more agreeable to chief constables of counties that their superannuation should be granted, and chargeable upon the police rate, rather than upon the superannuation fund?—I do not think that if you had a fixed scale laid down by Act of Parliament it would be material; at present the chief constable generally recommends a certain sum, and if he had an interest in that fund it would not come well from him.

2845. If it is a fixed amount, it does not appear to you to be material out of what fund it comes?—No; but personally I should prefer it out of the police rate or the Consolidated Fund.

2846. Do not you think that would be the case with most of the chief constables in the country?—I think so.

Mr. Biddulph.

2847. I wish to ask you one question with regard to the difficulty of getting men; do you find that after men have been five or six years in the

Mr. Biddulph—continued.

the service there is any demand for them as private watchmen, and so on, at the iron works which takes them away from you?—Yes, we do.

2848. That is when a man has learnt a certain amount of his duty, and has got a character?—A considerable number of the men that I have lost have gone on railways as detectives.

2849. That is in consequence of their having acquired a certain amount of experience in the police force which makes their services valuable?—We take the raw material and manufacture it, and then the man leaves us.

2850. You think that would be obviated if the men knew they could claim a pension after a certain number of years' service?—I think many a man would remain who now leaves; he would say I will serve a few years more, and get my pension.

Mr. Torr.

2851. How far would you suggest carrying out this scale of twentieths; you say at 20 it

Mr. Torr—continued.

should be eight-twentieths?—The scale goes up to 27 years' service; that makes it up to three-fourths of the pay.

2852. You would not go beyond that?—I think it is so desirable to keep young men that I would not.

2853. You would not under any circumstances allow them to go up to their full amount of pay?—Possibly you might go up to 30 years, but certainly not beyond 30 years.

2854. Did you say that you considered your fund as now existing in a solvent state?—I do at present.

2855. But that it would not be solvent ultimately?—For a good many years the fund will be solvent, but ultimately I do not suppose it will.

2856. Do you think if the present Act of Parliament were strictly carried out it would not create a solvent fund?—Eventually I think it would not be a solvent fund under the existing Act of Parliament.

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Mr. SAMUEL SMITH, called in; and Examined.

Chairman.

2857. You are a Constable, I think, in the Suffolk Constabulary?—Yes, I am.

2858. How long have you been in the service?—Ten years and two months.

2859. In the same force?—Yes.

2860. Were you in any other force previously to that?—No.

2861. Can you speak as to the feeling of the men of your force generally?—Yes; I have seen most of them.

2862. What do they feel upon this superannuation question?—The men seem as if they would like to hear of something certain at the finish of their service.

2863. Then what the men object to in the present system is its uncertainty?—That is the only thing.

2864. Have you among yourselves talked over the question as to what period of service you think should entitle you to pension?—Yes.

2865. What period do you suggest?—I think the men would like, after 20 or 21 years' service, to claim half their pay.

2866. Do they look forward for an increase of pension after a longer service?—After 25 years' service about two-thirds of their pay; or as the service increased so the superannuation should increase.

2867. Do the men feel that the ultimate pension for the longest period of service should be more than two-thirds?—Yes; but not to exceed a man's full pay.

2868. But that there should be a period of service which should entitle a man to retire upon full pay?—Yes.

2869. Have they stated any time at which they think they should be able to claim it?—No, only as long as they could do their duties; if they could do their duties, up to 30 or 35 years.

2870. But the real point they feel strongly about is, that after 20 and 21 years' service they should be entitled to half-pay; or that if they

Chairman—continued.

retired after 25 years' service they should be entitled to two-thirds?—Yes.

2871. With regard to the scale of pensions on incapacity or illness previous to the completion of a period of service of that sort, are they satisfied with the present scale?—Yes, I believe so.

2872. And with the present scale of gratuities for injuries, and so on?—I have not heard anything to the contrary.

2873. Do you believe, from your own experience, that the question of superannuation enters into the consideration of the men when they enlist?—Not when they first join.

2874. Do you think it does after a certain time?—Yes.

2875. What are the stoppages in your force?—Two and a half per cent. per month.

2876. Do you feel, after contributing for some time to your fund, that you would like it to be a permanent fund?—I do.

2877. Would it be any inducement to men, to yourself, for instance, to remain in the force, supposing the pension was a certain pension after a certain period of service?—Yes, good men would look forward to it.

2878. From your knowledge of them, do you think they are influenced by the fact of its not being certain now, and that men have left the force for that reason?—Yes; good men have left to my knowledge because they have got better pay in other places.

2879. Good men have been drawn away by other inducements, and you believe that the fact of the uncertainty of pension had something to do with that?—We have talked about it amongst ourselves, and that has been the reason alleged.

2880. Therefore it enters very largely into the question of their permanent stay in the force?—Yes, it does.

2881. I suppose it does not affect men very largely of two or three years' service?—No, they

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do not think so much about the superannuation fund during the first part of their time.

2882. It is only when they have begun to realise the fact that they are contributing a portion of their pay towards the fund?—There are more men leave the force after they have joined the force six months than those who have been in it three years.

2883. Is that from finding the service different from what they had expected?—In most cases I believe it is so.

2884. Not as a question of pay, but from an objection to the nature of the service required of them?—The service is different from what they they expected to find it.

2885. Have you heard the men in your force express any feeling with regard to carrying their service into other forces?—Yes, I have.

2886. What do the men think about that?—They think that if a man leaves one force to go to another on promotion, he should carry this service with him.

2887. That is to say, that where a man is promoted for the public good with the consent of his superiors, he should not lose his superannuation years?—No.

2888. But you have not heard that extended to a wish generally to carry their service with them upon any change?—We have talked that over amongst ourselves, and we think that if a man wants to leave one force to go to another, he should not expect to receive it.

2889. You think it is not right that a man should be constantly encouraged to change his position?—No, not like a rolling stone, as we call it.

2890. But where a man is promoted for the public good and for his own, it is thought to be unfair that he should lose his years of service?—Quite so.

2891. Is there any feeling expressed with regard to the present condition that he must have served in a certain rank for a certain number of years?—No, I have heard very little about that; the men seem pretty satisfied about that as it stands.

2892. Another point which I have asked previous witnesses about is with regard to men killed in the service; have your force expressed any feeling at all about children receiving gratuities?—We feel that children under 16 years of age should receive something as well as the widow, if there is one.

2893. At present the widow is supposed to be the guardian of the children, and therefore she takes the gratuity; but supposing there was no widow, do the men feel that the children should receive the same gratuity as the widow otherwise would?—Yes, that is what we have talked over amongst ourselves.

2894. Is there any other point which you would like to put before the Committee as to what the men feel upon this subject?—I have not heard of anything else.

2895. It really comes to this, that the men are, as a rule, dissatisfied with the present system,

Chairman—continued.

and that if they saw a fixed period at which they might claim a pension if they continued in the service, it would be an inducement to them to remain in the force?—Quite so; but at the same time we do not think that if anyone joined at 21 years, and was a good man at 40, he would leave the force at 40 in order to claim his superannuation.

2896. You think that if a man arrived at 40, he would be affected by the inducement to remain till he had completed 25 years' service, when he would receive two-thirds of his pay, and that he might be induced to remain still further with the prospect of retiring on full pay?—Quite so.

Mr. Leeman.

2897. How long have you been in the Suffolk force?—Ten years and two months.

2898. You have eight men now who have been from 30 to 35 years in the force, have you not?—Yes, I believe we have.

2899. Are they good men?—They are old men, but they do in quiet districts, although they are not capable for a row or anything of that kind much; they are hanging on for the superannuation, as the last witness, the chief constable, said.

2900. You have a good many men in your force about 50 years of age, over 15 years' service, have you not?—There are a score of them to my knowledge.

Mr. Scourfield.

2901. Where have you been stationed in Suffolk?—At Kessingland, near Lowestoft.

2902. Is there not a fund amongst the police themselves?—Yes.

2903. Do you subscribe to that fund?—Yes.

2904. How much do you pay?—One shilling and sixpence upon a death in our own county.

2905. Who do you pay it to?—We pay it to our own chief constable.

Mr. Cowper.

2906. Will you explain a little more about that fund; to whom is it paid?—We pay 1*s.* 6*d.* upon the death of a member of the county force to the widow.

Mr. Scourfield.

2907. That is a purely county subscription?—It is by agreement amongst the men; the chief constable receives the money and pays it over.

Chairman.

2908. That fund is not connected with the general subscription throughout England of which we have heard?—No; we pay to the penny subscription also.

Mr. Cowper.

2909. Do you pay the money to the children when there is no widow?—No, we do not; most of the funds do.

Mr. WILLIAM HUNTLEY, called in ; and Examined.

Chairman.

2910. You are Sub-inspector of Police in the borough of Sunderland, I believe?—I am.

2911. Your age is 37?—It is.

2912. When did you join the Sunderland force?—In 1862.

2913. That was when you were 24 years of age?—Yes.

2914. Had you served in any other force previously?—I had served in the Northumberland county police force two years and two months previously to joining the Sunderland force.

2915. What was your reason for leaving the county force?—The frequent changes from station to station. I was only in the county force two years and two months, and I was in six different stations during that time.

2916. You thought that in the borough force you would be more settled?—Yes.

2917. You have served there 13 years, I think?—I have.

2918. What would be required to be your service to entitle you to pension under the existing regulations?—Thirty-six years.

2919. Do you know the feeling with regard to this question in the Sunderland force?—I do; there are two Acts of Parliament in force in the borough of Sunderland, one the Act of 1848 and the other the Act of 1859; we have 16 men on the fund under the Act of 1848; as soon as they are entitled to their superannuation they are lowered to the lowest grade in the force and superannuated on the lowest grade of a constable's pension, and they have to serve in that grade for the same number of years that they have served in the force as a constable, before they are promoted to the fund, and it is very unsatisfactory to them.

2920. What is the other Act you referred to?—The 1859 Act, which relates to the 60 years of age; there are none superannuated under that at present.

2921. What do the men feel with regard to that; what change would they wish to see set up in the place of the present system?—They think that 20 years' service should entitle them to a claim to two-thirds of the pay that they are receiving.

2922. Would you allow them to claim as a right to retire at 20 years?—Yes.

2923. Is that the only scale that you would wish to see adopted?—No; after a service of 10 years, and less than 20, should a man have to retire from infirmity of mind or body, he should claim half his pay.

2924. How would you deal with the cases of service below 10 years?—After a service of five years and less than 10, a member of the force should be entitled, if he had lost his health in the service, to not less than one year's pay.

2925. You would recommend three scales, one of a year's pay for any incapacity between five and 10 years, and half-pay for any retirement from incapacity between 10 and 20 years, and the power of claiming absolutely at 20 years' service two-thirds of the pay?—Yes, quite so.

2926. Is there anything which you suggest, or which you think ought to be suggested, with regard to the lower periods of service below five years, if a man were incapacitated by

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Chairman—continued.

infirmity?—Yes; after a service of three years and less than five, that should entitle a man who retired from the same cause to a gratuity of not less than 20*l*.

2927. That is to say, you would make all those circumstances absolutely entitle a man to get gratuities, on a medical certificate?—On a medical certificate.

2928. When a member of the force is disabled by a wound or an injury received in the performance of his duties, so as to render him incapable of following any active employment, would you suggest any scale of pension?—I would suggest that a man in that case should have not less than his full pay.

2929. That if a man was invalided so as to be entirely unable to support himself in any way, he should retire on full pay?—Quite so.

2930. Would that apply to any period of service?—Supposing he was rendered unable to follow any active employment, supposing he had a broken arm, for example, he should be entitled then to his full pay.

2931. Those are the opinions, you believe, of the force to which you belong?—They are.

2932. With regard to granting gratuities, in the case of the death of a constable, to the widow, is there anything which you think ought to be altered in that respect?—Yes; I think that it should be paid to the parents, or the children depending upon the constable for support.

2933. That would be extending the present power from the widow to the parents, if dependent, and to children of a certain age, if dependent, also?—Yes.

2934. Again, supposing a member of the force to die when entitled to an allowance from the fund within a certain period, do you suggest anything to the Committee upon that point?—If a member died before two years had expired, the superannuation ought to be continued to his widow, children, or parents, for two years after his death.

2935. That when a man takes a pension, say on 20 years' service, and dies within two years, you would suggest that that pension should be continued to those dependent upon him for a further period of two years?—Yes, that is the opinion of our force.

2936. Have you anything to suggest with regard to the point upon which you have heard other witnesses speaking, namely, the carrying of service between different forces?—The men in the Sunderland force thought that two forces should count, provided that not more than six months had elapsed before their joining the second force.

2937. That is, if you change from one force to another within a period of six months, you should be entitled to carry with you the service of your previous force, and that should continue until your second change?—Yes, quite so.

2938. Then after your second change, supposing you left again, you should lose your service?—I would consider that a man should not stop in the police force then.

2939. You do not think that the men you have talked to about it would be satisfied by the idea which has been thrown out by the previous witness,

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ness, that the carrying of the full service should be limited to those cases in which promotion takes place from force to force?—No.

2940. And as superintendent, having a desire to maintain the efficiency of your force, you do not think the idea which you have thrown out would tend to create the rolling stones of which we have heard?—I think that a constable is as much entitled to his former service as a man on promotion.

2941. But he carries with him a charge upon another force, and therefore upon a fund which has to supply the men of that force with their superannuation; that would be a rather unfair charge upon it, would it not?—The Sunderland men are very much in favour of the fund being all put into one.

2942. You mean a universal fund for the whole country?—Yes.

2943. By whom would that general fund be administered?—By the Government.

2944. You would suggest that the Government should undertake the whole Consolidated Fund of the country?—Yes; or it might be managed by a committee of chief constables.

2945. I believe there is an instance of that. I do not know whether you are aware of it, in the Indian force, where the Government have taken the superannuation fund, and administer it at present; you believe, however, that, supposing the present system of superannuation is continued, the men would feel that they might ask for a change between forces as long as it was limited to two?—Yes, as long as it was limited to two.

2946. And that they might carry their full service between those forces?—Yes.

2947. Is there any other point upon which you think your men feel with regard to this question, which you would like to place before the Committee?—No, I do not think that there is.

Mr. Scourfield.

2948. Have any men been seriously injured in the execution of their duty at Sunderland since you have been connected with the force?—Not very seriously injured; there have been several men injured so as to throw them off duty for three weeks together.

2949. Not permanently disabled?—There have been none permanently disabled.

2950. Is there any private fund among the police, without reference to the superannuation fund?—There is a private burial fund, which about half the members belong to; the other half have not joined it.

Mr. Leeman.

2951. Would you let a man, for instance, go from the Newcastle force into your own Sunderland force, and let his period of service be charged against your Sunderland superannuation fund, say that he had been 10 years in the Newcastle force?—I think he ought to receive a pension from the Newcastle force.

2952. But supposing the Newcastle force did not want to part with him, he would be a good officer, or you would not want him at Sunder-

Mr. Leeman—continued.

land; would you think it fair to Sunderland that the fund should be charged with those 10 years which he had been already serving in another force?—I suppose they would not think it very fair; but if they knew a man had 10 years previous service they would know what they were doing.

2953. Would you think it fair to your men?—I would not think it fair to my men.

2954. At what age would you begin to count service for superannuation?—Not less than 21 years of age.

2955. Have you any men as young as 18?—We have some scarcely 20, I believe; but I do not know that we have any as young as 18.

2956. So that no man would, under your plan, be entitled to the two-thirds; the full pension after 20 years' service until he was 40 years of age?—Until he was 40 years of age.

2957. Do you agree that he might go on up to 30 years' service?—I think a man might be allowed to go on for five years longer, over the 20 years; but that is not the opinion of the men in the Sunderland force. They think the only men who would remain after 20 years' service would be the men who had got promotion, and that it would keep back others from promotion.

2958. That is the view of the Sunderland people?—Yes, that is the view of the Sunderland people; they say, a man who has to walk the streets cannot do more than 20 years' service, and that if any one does more, it is the man who has got some promotion.

2959. A man would not be generally in the force 20 years without getting promotion; he would become either a serjeant or an inspector, would he not?—Sometimes he would, but we have two men now of 20 years' service.

2960. But most of your men, I presume, have been promoted within the 20 years?—We have about 16 or 17, with about 18 years' service as constables, who have not got promotion.

2961. But taking the rest of the men, generally, they get promotion before serving 20 years?—Occasionally they do, if there be a vacancy for them.

2962. More than occasionally, surely; there is a very little encouragement to a man to remain in the force if he does not get promotion until he has been 20 years in the force?—That is what the men point out with reference to the five years after the 20 years.

2963. You were in the county force before you went to Sunderland, were you not?—Yes, I was.

2964. Do you say that the county or the borough service is the easier service?—The county service is the easier service, and more healthy.

Mr. Torr.

2965. Is your present superannuation fund considered in a solvent condition?—I believe it has between 5,000 *l.* and 6,000 *l.*

2966. It is considered to be sufficiently large to meet any demands that may come upon it?—I believe it is not sufficiently large to meet the demand that may come upon it in a few years.

Mr. EDWARD GREEN, called in; and Examined.

Chairman.

2967. You are a Police Constable of Birmingham force. I believe?—I am.

2968. The Birmingham force is a large force, is it not?—It is.

2969. What number of men have you?—Four hundred and forty-four, if full, but we never have been full.

2970. How long have you been a constable of that force?—Fourteen years and seven months.

2971. Had you any previous service before that?—I was in the Warwickshire county force three years and 10 months.

2972. You served three years and 10 months before you went into the Birmingham force?—Yes.

2973. From your length of service in the Birmingham force, I suppose you are able to speak with regard to the feeling of the men in the force?—Yes, I am.

2974. Do you know their feeling with regard to this question of superannuation in particular?—I do.

2975. Can you tell the Committee what their feeling is with regard to the present system of pensions under the superannuation fund?—The men consider they ought to be entitled to half-pay after 20 years' service, and two-thirds after 25 years.

2976. The feeling of the men is that the present uncertainty of pension is unsatisfactory?—Very unsatisfactory, indeed.

2977. You would suggest as a better system that they should be able to claim a retiring pension of half-pay after 20 years' service, and two-thirds of their pay if they continued in the force up to 25 years' service?—Quite so.

2978. Is that a general feeling in the force?—It is.

2979. And one that has been much discussed?—It has by me with the men.

2980. Do the men feel that an inducement of that kind would be for the advantage of the service by holding out to them an inducement to remain in the force?—A very great one.

2981. Speaking from your own experience, has the question of superannuation entered at all into your own feelings as a constable?—It has very much so of late years.

2982. When you first joined, I imagine, the feeling was not so strong?—No; it was not spoken of; the superannuation began in 1859.

2983. But when you first joined yourself, there was no talk of superannuation?—There was no thought of it.

2984. Do you think that the men who join now attach any importance to the question of superannuation when they first join the service?—They do after a period of four or five years.

2985. That is to say, after they have been in the service a short time, they begin to talk about superannuation, and you think that if it was a superannuation pension, which they could look forward to as a certainty, it would be an inducement to them to remain in the force?—It would.

2986. Are there many changes in your force at Birmingham?—A great many.

2987. Do you know at all what number of men leave annually?—At a rough calculation I should think 1,000, within my period of 14 years' service, have left the force.

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Chairman—continued.

2988. Are those men who have been a short time in the force, or does it run generally through the men?—Some of them have been of longer service than others; it varies very much indeed; some stop years, some only a few months; as many months as years; I have known them leave after seven or eight years, because the superannuation question has been in such an unsatisfactory state; it has been doled out to them in such a grudging way by the watch committee that they have not cared to stay; there has been no set time for superannuation to be received, and that has placed the police force in a very unsatisfactory state.

2989. Do you think that the men in the police force are very much influenced by the uncertainty of this pension?—Very much so, indeed; many have left to better their condition.

2990. Have you heard many of the men, in talking of the matter, say that if a better means was adopted, it would have the means of retaining the men in the force?—Yes; it would be a means of retaining those men; those who are dissatisfied at present would feel very much influenced by that change.

2991. Then with that certainty before them, you think that the men would continue in the service?—They would.

2992. And, therefore, all the changes of five, six, and seven years' service would be done away with, and you would keep a number of valuable men in the force?—You would.

2993. I presume a great number of your short service men who leave you do not take this superannuation question into consideration, but are influenced more by the fact of the service being something that they had not expected, and they leave in consequence?—They leave to better their condition; they see no alternative but to wait for a long period, as we have a great number of old officers in the force.

2994. Have you any idea of how many men there are over a period of 20 years' service?—We have 18 men from 25 to 30 years' service, and we have 20 from 20 to 25 years' service, and from five years' service to 15, 164.

2995. Can you give at all the ages of those men who are over 20 years' service; whether they would be approaching the age of 60 when they would be entitled to be recommended to pension?—I have not got that.

2996. At the same time, none of those 38 men of over 20 years' service are at present entitled to be recommended for pensions, because they have not arrived at the age of 60?—That is so.

2997. And they feel that having served so long as 20 and 25 years, it is a hardship that they should not be able to claim a pension?—They do.

2998. Have you heard any expression of feeling amongst the men of your force, with regard to the question which has been spoken of, about carrying service from one force to another; is it the opinion of the men that they have a right to carry their service if they leave?—Only on one condition.

2999. What is that condition?—That if a man finds his health is much impaired, and that a change of air from a borough to some healthy county force would be an improvement to him; upon

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upon that account alone he should carry his service with him.

3000. That would be upon medical certificate?—It would.

3001. That where a man had a medical certificate suggesting that he should be removed from a borough to a county force, that should not prejudice his superannuation history?—It should not.

3002. And with regard to the question of promotion also, have you considered whether when a change of force arises from promotion from one force to another, a man should be entitled to carry his service with him?—I think that that should have no weight.

3003. And that it should not be hampered, as at present, by the limitation in regard to the number of years' service?—It should not.

3004. You have not heard the men suggest that they should carry the number of years' service with them when they change from force to force?—No; I might mention one suggestion which was made by the police, and that is, that all service up to a period of 10 or 15 years should count in the way of a month's pay for a year's servitude.

3005. You mean that upon a man retiring after a short service of under 15 years upon medical certificate, he should be entitled to claim a month's pay for each year's service?—Yes, and that in case of death, if a man leaves no widow, his children should receive the gratuity.

3006. By that you mean that where a man would be entitled to pension at the rate of one month's pay for each year of service on being injured, his children or wife should take it on his death?—Yes, that is what I mean.

3007. Would that be for a continuous pension, or only for a fixed sum?—For the period the man had served; supposing he had served 15, 10, or 5 years, or a shorter period, that period being short of his full time, the widow should be entitled to a month's pay for every year that he had served in the police force.

3008. In short, that the widow or children should be entitled to take the same pay as he would take if he were invalided?—Yes, quite so.

3009. Has the rate of pay been raised lately in the Birmingham force?—It has in the two classes; one class was abolished, that is to say, the preparatory class, and they raised the pay from 21 s. to 22 s., and from 22 s. to 23 s., so that that would make it far better for a young constable joining the police force than it would for an old officer; they make no distinction in an old officer's pay upon this last occasion; on former occasions they made the old officer's pay 26 s., but now they put the young constable on a par with an old constable, by making his pay 25 s., and he rises 1 s. 6 d. in 12 months, whereas it has taken others years to reach that rate of wages; some reach the first class more rapidly than others, because they are more careful; I have been a first-class constable more than 12 years.

3010. What is their rate of pay on promotion from that class to serjeants and superintendent?—On a man being promoted to the rank of serjeant, he would receive 29 s.; 30 s. would be our special merit class.

3011. All those different grades are promotions on merit, are they not?—Yes.

3012. Does that bear a fair proportion to the

Chairman—continued.

rate of wage of the neighbouring district?—No, not at present, I believe. It is only within this last month that they have raised the rate of the police pay in other towns.

3013. Do you find that men leave your force very much for service in other forces?—Yes, there are a great number leave on account of the unsatisfactory manner in which the superannuation is dealt with.

3014. That makes a man indisposed to continue, and therefore he is constantly changing about?—That is one great cause of the changes.

3015. Is there anything else which the men have talked over with regard to this superannuation fund which you would wish to place before the Committee?—No, I have mentioned all the points, I believe.

3016. The matter really sums itself up in this way, that the men are dissatisfied with the existing state of things on account of the uncertainty, and they think they should be entitled to a retiring pension on the completion of a certain fixed period of service?—Quite so.

3017. With a graduated scale below that for men who were incapacitated from injury or ill-health?—Yes; they have one very strong objection with respect to the system of superannuating officers at the present time by a municipal body, that is, to the bringing out of the defaulters' book in front of his pension. They consider that when a constable has served the town, and has been retained in the force for 15, 18, 20, or 25 years, they have no right whatever to do anything with his pension; he has been an officer countenanced by the public and by his own officers over him; and if he was not a good officer he would never have remained in the force for that time, and that, having been punished for any offence he may have committed, that should never be brought out against him.

3018. You think that questions of discipline in the past should never be brought up against a man?—I think it very unfair when a man has served all those years that the defaulters' book should be brought up against him when he has already paid the penalty of those offences, and when he has perhaps recovered all those marks. I know two or three instances in which men have served 25 years, and the defaulters' book was brought out against them, and they went away with 1 s. a day; and I know another case in which a serjeant went away with 9 s. a week.

3019. That is one of the feelings which induces the men to ask for a permanent rate of pension upon a fixed period of service?—Exactly so.

3020. They consider that where they have been retained in the force, any faults which they may have committed have been condoned, and been met by the punishment inflicted at the time, and should not be counted against them in reckoning up the service?—They should not.

Mr. Scourfield.

3021. Have any men been permanently disabled in your force during the time you have been a member of it?—Yes, several.

3022. Do you know how many?—I could not exactly say.

Mr. Leeman.

3023. Who is it that exercises this practice of bringing

Mr. Leeman—continued.

bringing out the defaulters' book?—The chairman of the watch committee.

3024. Who is the chairman of the Birmingham watch committee?—They are elected every year.

3025. Who is the chairman now?—I could not tell.

3026. Has Alderman Manton been the chairman?—Yes, he has.

3027. Lately?—Two years ago, I think.

3028. How recently have any of those cases happened that you refer to now?—The one that I refer to is one which occurred about six or seven years ago.

3029. Have there been any cases of that kind in which the watch committee have acted in this way more recently?—Yes, there have; there have been cases in which the book has been brought out, and the character has been read over, "good" or "bad," as it might be.

3030. Is that not done under the direction of the chief constable?—He is called upon by the committee to produce that book, and then those facts are read over.

3031. Would you desire a law which should prevent any act of misconduct upon the part of a constable from being brought before the watch committee?—I think all slight offences committed by the police constables, which they have been punished for before that same committee,

Mr. Leeman—continued.

or some portion of the committee, should not again be brought up against them. A man may have become a good officer, and perhaps he may have gone six or seven years without any mark of any kind whatever, and that should not be brought against him; that has been the feeling of the Birmingham police; they feel themselves injured by these charges being repeatedly brought against them when once they have redeemed their character as it were; everything is brought up against a man within 12 months; if he commits a breach of discipline within 12 months, the defaulters' book is read over against him.

3032. What effect has that on the superannuation?—When a man is about to be superannuated, the defaulters' book is brought out, in which all these things are chronicled against him.

3033. Do you mean that it stops the superannuation?—It has an effect upon the amount of it.

3034. What you would say is a fair plan would be that, inasmuch as a man has suffered once for an offence, it ought not to be brought up against him again?—Quite so. If a man was a bad officer, the authorities ought not to keep him, and if he has committed an offence, and been punished for it, and been retained in the service, he has probably redeemed his character afterwards.

Mr. Green.

25 May
1875.

Friday, 28th May 1875.

MEMBERS PRESENT:

Mr. Fairfax Cartwright.
Mr. Cotes.
Colonel Dyott.
Mr. Gourley.

Mr. Grantham.
Mr. Scourfield.
Sir Henry Selwin-Ibbetson.
Mr. Torr.

SIR HENRY SELWIN-IBBETSON, BART., IN THE CHAIR.

Mr. WILLIAM KILLIGREW WAIT (a Member of the House), called in; and Examined.

Mr. W. K.
Wait, M.P.
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Chairman.

3035. I BELIEVE you are Chairman of the Watch Committee of Bristol?—I have been Chairman. The mayor in all boroughs is *ex officio* chairman, and in my capacity as mayor, I was chairman of that committee, and have always taken an interest in police matters.

3036. Therefore you are perfectly able to tell the Committee the feeling of the borough with regard to this question of police superannuation?—I think I can give you a fair estimate of the general feeling.

3037. I suppose with regard to the police force and its general efficiency, you think a superannuation fund is essential to maintain that?—I do.

3038. You think that by a superannuation fund you get one of the surest means of retaining good men in the force?—Yes; of retaining good men in the force; I do not think it influences men at all to join the force, but I think it retains them after they have joined; young men at 21, and from that to 25, think very little of the superannuation which may accrue to them at a very distant date.

3039. You are of opinion that when the men first join, the question of superannuation does not enter into their consideration?—That is my opinion; but I think it does enter into their consideration after they have married, and probably have a family growing about them.

3040. I suppose that having contributed as they do, a certain amount in stoppages from their pay, they feel that that gives them a claim upon the pension which they dislike losing?—No doubt it does.

3041. In that view you would feel that it assisted your force in recruiting, because the men in the force who have remained some time, and attach importance to this pension question, would encourage men to enlist in the force more readily if there was such a pension that they could point to, than under the present uncertain state of things?—That may be so, but I do not think our number of recruits has been appreciably increased; my experience shows me that our recruits almost all come from districts where work is bad and wages light.

3042. Will you give the Committee the wages

Chairman—continued.

of the police in your borough?—At my suggestion the committee made an increase in the pay not long ago; they now give the chief superintendent, 430 £; the first-class superintendents, of which there are 5, 163 £; inspectors, of whom there are 16, 104 £; 8 first-class sergeants, 32 s. a week; 30 second-class sergeants, 31 s. a week; the first merit class, 31 s. a week; second class, 28 s. a week; ordinary constables, 26 s.; second-class constables, of whom there are 53, 22 s. a week; and 20 s. a week when men first enter.

3043. And what relation does that enlisting wage for the force bear to the general wages of the country around?—It is decidedly better than that of the districts whence most of the police come; a large number of them come from the lower parts of Somersetshire and Devonshire, where wages are notoriously considerably below the average.

3044. Your pensions are granted now, of course, on the existing scale, requiring a medical certificate to any officer under 60 years of age, and upon the recommendation of the head constable after 60 years of age?—They are in strict accordance with the Act; we have no option.

3045. Can you say how many men are on the pension list in your force?—We have at present 30 pensioners.

3046. And the force was established when?—In 1836.

3047. The fund was established in 1859, I believe?—The fund was established in 1859.

3048. Can you tell the Committee the length of service of the different officers in the force?—From 5 to 15 years' service in the force there are 118 men; from 15 to 20 years' service, 66 men; from 20 to 25 years' service, 7 men; from 25 to 30 years, 12 men; from 30 to 35, 8 men; and from 35 to 40, one man.

3049. You have, therefore, about 21 men who have over 20 years' service?—Over 20 years' service there are 28 men.

3050. Out of a total force of how many?—Three hundred and fifty-seven.

3051. So that you have 30 pensioners at present on the fund, and you have also nearly that number of men who, if a period of service were adopted,

Chairman—continued.

adopted, instead of the present system of pensions, might claim their pensions?—Exactly.

3052. Have you heard any complaint in the force at Bristol with regard to the present system of superannuation?—I have.

3053. What form did that complaint take?—The men complain very seriously of having to wait until they attain the age of 60, or until they are disabled, before they are in a position to claim superannuation; I have noticed this especially in men who are perhaps about 40 years of age; they feel that though they may have been in the force for a period of upwards of 15 years, which is the case with most of them, they have no prospect before them for almost too long a period to contemplate, of being able to retire.

3054. In fact, a man who enlists at 18 or 20, would have nearly 40 years to serve before he would be entitled to be superannuated, unless he happened to be incapacitated by injury or ill-health?—Precisely; I think that when men get to middle life, that induces a feeling of hopelessness and also of discontent.

3055. Has that discontent taken a definite form in the way of fixing any period which they would suggest, instead of the present system?—I am not authorised at all to speak on behalf of the men, but I have an opinion that, if they were entitled to claim superannuation after 25 years' service, it would remove the feeling that at present exists, and also would add very much to the efficiency of the service.

3056. You think that if after 25 years' service the men could claim a pension as a matter of right, instead of as at present, at the discretion of the magistrates, that would add to the efficiency of the service?—I am not disposed to interfere with the discretion of the watch committees in boroughs.

3057. In what way then, would you combine the right to a pension, after a period of service, with that discretion?—I would place a man who had served 25 years, precisely in the same position as a man at present aged 60, who can claim his superannuation without a medical certificate.

3058. But you would leave it discretionally with the watch committees in boroughs, to decide whether a man after this period of 25 years' service should, or should not take his pension?—I should correct my answer to this extent: I should not leave it to their discretion; I think a man should be able to claim his pension, but the amount I would leave discretionary with the watch committee, dependent upon the man's conduct.

3059. Would you adopt the suggestion which has been thrown out by other witnesses before the Committee, that there should be a maximum and minimum pension, between which the discretion should rest, or would you leave it absolute?—I would leave the discretion absolute; I may say, as far as I know, that in the committee of which I am a member, the practice has been invariably to give the maximum in cases of good conduct; I only know of one case, and that a doubtful case, in which the maximum was not awarded.

3060. But I understood you to state in one of your first answers, that you believed the uncertainty of the present system was one element in the dissatisfaction of the force?—I am not aware that I said so; I referred to the delay.

3061. You believe that the dissatisfaction in

Chairman—continued.

the force simply arises from the men having to wait until they attain the age of 60 before they become entitled to pension?—I think so.

3062. You do not believe that the uncertainty of the pension enters at all into the complaint?—I have heard no complaint upon that score.

3063. What scale of pension would you suggest a man should be entitled to when he had served that period?—I do not see why the present scale of two-thirds of his pay should not be adopted.

3064. That the same scale which is now adopted at the age of 60 should apply to that period of service?—Yes.

3065. Previous to 25 years' service, would you leave the system of pensions in the same way as it is at present, on medical certificate?—I would, on medical certificate.

3066. With regard to gratuities, would you leave them in the same way as at present, for short service?—I would leave them exactly in the same way; at present, we have only the power of giving gratuities to the widow, but if Parliament could devise any means by which to ensure that the children when left orphans should have the benefit of any gratuity given by the watch committee, I think the watch committee would be very glad indeed to give gratuities in cases of distress to the children; the difficulty is, how to appropriate to the children such gratuity.

3067. You think that the Act might be extended, so that in case a man left no widow, but left children under a certain age, they should be entitled to take in place of the widow?—Yes, but I am unable to see who is to receive the money, and how the money is to be appropriated.

3068. Would you go as far as other witnesses have done, and say that the parents dependent upon a man, or other representatives should also be able to claim?—I am not prepared to say that. I think it opens a very wide door to difficulty.

3069. In what condition is the fund of your force at Bristol, at present?—The amount of the fund upon the 29th September 1874, was 17,747 *l.* 11 *s.* 6 *d.*; the total receipts for the year 1874, were 2,342 *l.* 2 *s.* 9 *d.*, and the disbursements, 1,455 *l.* 16 *s.* 9 *d.*, so that we are in a very healthy condition.

3070. At present your income rather exceeds your disbursements?—At present, our income exceeds our disbursements, and will be fully equal to any possible disbursements.

3071. Supposing the pressure on your fund remained the same as it is at present, it is not only self-supporting, but it increases its capital yearly?—Yes, it increases its capital yearly.

3072. Your fund was established in 1859, I believe?—Yes, it was.

3073. Consequently, you have not quite arrived at the period which Dr. Farr, in his report, laid down at the time at which the power of a fund began to be tested?—We have not.

3074. Do you think that, from your knowledge of the past pressure of the fund, there is likely to be in the future, a greater strain than at present on it?—I think it would be quite equal to meet its demands.

3075. Then under those circumstances, I suppose you would not be prepared to recommend any addition to the fund beyond what it at present receives?—In the borough of the city of Bristol, we can do without any addition, but there is an addition

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addition which, speaking generally, I think it would be fair to make to the fund, that is, that the fees arising from the granting of licenses to pedlars, which gives a great deal of trouble to the police, I think might very fairly be added to the fund.

3076. You would add those fees to the present half penalties and to the fees for the services of summonses and the execution of warrants?—There are no fees charged for the service of warrants, but for the service of licenses they are all paid to the superannuation fund.

3077. Do the authorities also order the half penalties in cases where the police are the informers to go to the fund?—In cases of offences under the Licensing Act half the penalties go to the fund.

3078. Is that at the discretion of the magistrates?—It is at the discretion of the magistrates; but practically the magistrates do not make an order upon each occasion; it is a kind of rule or custom.

3079. And under the other Acts, in cases in which the police are informers, do they also pass the half of those receipts?—In some instances, on summary conviction, but it is a very small source of income.

3080. With those resources, you believe the fund would be self-supporting?—I do.

3081. In any general scheme which might be laid down in which the wants of other less fortunate places had to be considered, and additional funds had to be applied for the maintenance of the superannuation fund, would you see any objection in placing a power in the Secretary of State, upon the representation of either the watch committee in boroughs, or the police committee in counties, to apply penalties which are not at present applied?—I see no objection whatever.

3082. In that way you might bring up the funds which were defaulters to the position which you enjoy?—Quite so.

3083. Under the present law, the capital of the superannuation fund must be expended entirely before the fund can fall upon the rates. The result of that is, that many forces are at the present moment trenching upon capital to meet a deficiency of income. Would you see any objection to that rule being done away with, and that all capital should be reserved to the superannuation fund intact, and should be supplemented by the deduction of a per-centage of the income until it came to a self-supporting state?—It is a subject which requires almost more consideration than one can give to it at the moment.

3084. By that means you would ensure a self-supporting fund, because, whenever the income was less than the disbursements, you would fall upon the rates to make it up, whilst at the same time a per-centage of that income would be going steadily year by year to the capital until it brought that capital into a condition of being able to meet all the demands upon it without applying to the rates?—Quite so.

3085. Have you any feeling with respect to the question which has been submitted to the Committee of an application on the part of the force to be allowed to carry their service from one borough to another, or from one force to another?—My own view would be to allow the present state of things to remain, that the men should carry half their time upon promotion. I think if they were

Chairman—continued.

allowed to carry the whole of their time, it would promote a restless feeling, and would not tend to the efficiency of the force at all.

3086. You do not think, in cases where a man is promoted, that is to say, is transferred from one force to another for the public interest, that it is hard that the man so transferred should lose half of his service?—There is certainly something in that view, but I am very much disposed to let things remain as they are at present.

3087. There is a distinct difference between promotion and change of service?—The men carry nothing with them at present when they change, and they can only carry half on promotion.

3088. It has been suggested to the Committee in a great many instances that the men should be allowed to carry their years of service on change?—Some of them naturally wish to carry the whole of their years' service; for my own part I prefer things remaining as they are.

3089. In fact, the only change that you would really suggest for the improvement of the force would be that the present system of pensions should be supplemented by fixing a period of service, after which they could claim a pension at the discretion of the watch committee?—That is so. You asked me the question from a police point of view exclusively, but there is another point of view from which I am in favour of a period of 25 years' service.

3090. I will ask you that question now; do you think the change that you have suggested would affect the rates of the borough seriously?—No, I do not see why it should affect the rates of the borough very seriously.

3091. And therefore there would be no disposition to oppose such a change as that on the part of the ratepayers from the point of economy?—I am unable to see at present how it would affect the rates at all.

3092. As chairman of a watch committee, do you believe that it would add to the efficiency of the force in the borough?—I believe that it would add very greatly to the efficiency of the force, although, no doubt, we should be obliged to employ more raw and more inexperienced men than before, yet, on the other hand, when a man has been an efficient policeman up to the age of 50, he is subsequently very seldom fit for really robust hard night service. As a matter of practice, we find they are generally employed in the stations, or at some light special work; and I think it would add very greatly to the efficiency of the force for that reason, if we could get rid of the men at an earlier period.

3093. Therefore, not from a police point of view, but for the interest of the borough itself?—From a watch committee point of view.

3094. From a watch committee point of view, you believe that it would be advantageous to set up such a system?—I believe it would be distinctly advantageous.

3095. Is that all you wish to present to the Committee?—That is all I wish to present to the Committee.

Mr. Gourley.

3096. How long do you consider a man good for work who enters the force at 21?—I think 30 years' service is quite as long as he is fit for.

3097. You think he is quite capable of performing

Mr. Gourley—continued.

forming efficient work for 30 years; that might be up to 50 years of age?—Up to 45 or 50.

3098. What sort of men do you get in your borough; from what source are they drawn; are they educated men?—We do not take them unless they are tolerably educated; they are very raw when they come to us; they come from the rural parts of Somerset and Devon, where education is rather at a low ebb, but the men improve very much with us.

3099. Do you think that an improved system of superannuation would give you a better class of men than you have now?—I do not; I do not think it would produce any appreciable effect on recruiting.

3100. Do you think it would have a tendency to reduce the wages of the force; if you are paying men 24 s., do you think that with a fixed system of superannuation, you could get men for less than that?—No, I do not think a man of 20 or 21 thinks much about superannuation; it is when he has a family, and perhaps when he gets to 40 years, when he would like to set up a greengrocer's shop. He hangs on to the force at the present time when the force would rather get rid of him, and yet there is no disabling cause which would entitle them to do so.

3101. Are the men tolerably steady in remaining in the force?—They are tolerably steady in remaining in the force; the principal resignations are from recruits who find either they cannot stand the walking, or find the work in some way or other distasteful.

3102. You have considered the question of finding a sum for the purpose of providing a solvent superannuation fund; have you considered what sum per head ought to be funded in order to provide a sufficient capital?—I have not considered that.

Mr. Grantham.

3103. With regard to the light work which you spoke of just now as being the work upon which you employ your men over 50 years of age, is not that work looking after stations, and so on, work which must be done?—It is necessary, no doubt, but it is also extremely inconvenient at those times of pressure which occur in every community, that those men cannot be told off for special work.

3104. Is not a man who is ordinarily employed on light work, capable of doing some special work upon some extra occasions?—He might be; I could put my finger upon some who are capable and some who are not.

3105. But taking the average of the men in your force, if they have good health and do not meet with any accident, surely from 50 to 60 they would be able to go on ordinary work?—They may or may not; I would very much prefer having a stronger man.

3106. Would not that very much increase the expense of your superannuation fund, if a man was put on the fund at 50, when he need not practically retire?—I do not think he need practically retire if he wished to remain, and were efficient.

3107. Do not you think it very likely that he would retire if he had an opportunity, even if he were efficient?—I think it very likely he would; he must live somehow, and it would depend upon whether he had any other resources.

3108. But being entitled to a pension of two-thirds of his pay, would not that be an inducement?—

Mr. Grantham—continued.

ment for him to retire with a pension in the hope of being able to supplement that to a larger extent in some other occupation than he could by remaining in the force and getting one-third more?—No doubt it would be an inducement, but I do not think it would operate in every case.

Mr. Cotes.

3109. With regard to the age of 50, after which you say that the men practically are not of much use, do you refer to all ranks, or chiefly to the ranks of constables and sergeants who have to do outdoor work at night?—I refer chiefly to the constables and sergeants, and also to inspectors, who are also exposed to night work, but more particularly to those who are exposed habitually to night work, and walking and exposed to the danger of attacks from intoxicated persons and other assaults; I did not mean my observations to apply to superintendents, but rather to sergeants and privates.

3110. Would not the increased rate of pay which the superintendents get, induce them to remain in the force as long as they were efficient?—The increased pension would be an inducement, as I have said to the honourable Member for Surrey; but I do not think that it would operate in every case, or nearly every case.

Mr. Scourfield.

3111. Have many of the police, within your own knowledge, at Bristol, been disabled by assaults in the course of their service?—Not very generally; very few are permanently disabled; but I have known cases of ultimate disablement arising from accidents, contusion, assault, or stabbing, arising at some time previously.

Chairman.

3112. There was one question I forgot to ask, which is, whether your rate of stoppage is now 2½ per cent?—It is 2½ per cent.

3113. Do you think that is an advantageous system?—I think so; I have no reason to be dissatisfied with it.

3114. The 2½ per cent. naturally is looked upon by men as giving them a direct claim to pension?—I have no doubt it is looked upon as giving them a claim to pension; but as a member of the watch committee, I do not look upon it in that light; I look upon it as rather the property of the ratepayers that their pay is so much, less 2½ per cent.

3115. The way in which you would put it would be that the rate of wage at which they were hired was really the lesser rate, after the deduction of 2½ per cent.?—Yes.

3116. The 2½ per cent. being a borough fund which they kept as a reward for meritorious conduct?—Yes, I think so.

3117. Do not you think that that is likely to be misinterpreted by the force themselves into a direct claim, as I said before, to pension, to which they would say they had contributed by having their pay deducted?—No doubt it is looked upon by the force as being their contribution, and practically their property.

3118. Notwithstanding that, you think there is no objection to its continuance?—I should not interfere with it myself.

3119. The law at present allows, as I said before, the rates being charged with the superannuation pensions, upon the funds being exhausted; therefore,

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therefore, practically, the fund is merely supplementing the rates; do you think the watch committee of the borough would see any objection to the superannuation fund, as it at present exists, being done away with, and the pensions placed as a direct charge upon the rates?—I have no authority to speak for the watch committee upon the point, for it has never been discussed, but I see no practical objection to it.

3120. And the funds which are now applied to the superannuation fund go into the borough rates?—As you say, the present superannuation fund comes indirectly out of the rates, which comes to the same thing almost.

3121. And looking at it with regard to preserving an efficient and contented force, do you think the men would be satisfied if they felt that every claim for a pension was a claim made directly upon the rates, as it would be in the present state of the fund?—I think so.

3122. That they would not be afraid that when it was a direct sum coming out of the rate of the moment, they would be more likely to get sterner measure meted out to them?—I think not; I have every reason to think in my own city, that the police at present would have confidence in the watch committee.

3123. And, therefore, if it was simplified by throwing it directly upon the rates, it would not be disadvantageous either to the borough or to the force?—To neither, in my opinion.

Mr. Gourley.

3124. Do you think that the inhabitants would prefer direct instead of the present indirect taxation, for superannuation purposes?—I do not think they would like it so well. At present they may scarcely be said to pay it, or if they do pay it, they do not feel it. In the other case they would have to pay it, and there would be summonses and warrants issued for distress for non-payment of the rates, which would not be so pleasant to the ratepayers.

3125. Has not the present system the effect of making the men much more diligent in looking after cases of intemperance, and so on?—It may have that effect.

Mr. Torr.

3126. Did I understand you to say that you see no objection to all pensions being paid out of the borough fund?—I do not think there is any practical objection to that, I was mentioning to the honourable Member that it might produce some dissatisfaction on the part of some of the ratepayers who would have an unreasonable objection perhaps to direct taxation.

3127. Would you then continue the contributions of the men upon the 2½ per cent. scale?—I think they should be continued; I understand the observation of the honourable Chairman to

Mr. Torr—continued.

apply to the stoppages and fines and the sale of old clothing, &c.

Chairman.

3128. I referred to all the contributions which at present supplement the 2½ per cent. deduction?—Quite so.

Mr. Torr.

3129. You would continue the 2½ per cent. which at present is deducted from the men as a contribution to the fund?—I should continue that as I would continue anything which exists, unless there were good cause for change.

Chairman.

3130. With regard to the 2½ per cent., are the men engaged at 20 s. per week offered to them, and a deduction made afterwards from it, or are they engaged at the lesser sum, stopping the deductions first?—They are not paid the 20 s. at which they are engaged; in my force they are paid 19 s. 7½ d.

3131. I wish to understand this: when the men enlist, are they told that their wages are to be 20 s. a week, and when they are paid their first wage, do they receive 20 s., minus something?—I am unable to say what they are told, or whether they are told anything.

3132. It makes a material difference from your point of view, whether or not the 2½ per cent. is a borough fund which is meant to reward meritorious conduct. The wage offered to the men, under those circumstances, ought to be the smaller sum?—I felt the point of what you asked me, but I am unable to tell you what is promised and told the men at the time of their enlistment, because they are not enlisted by the watch committee, but by their superior officer.

3133. But you see it does make an important difference in the view you are putting before the Committee?—It does; I should be happy to appear again before the Committee, after making inquiry as to the fact, if the Committee wish it.

Colonel Dyott.

3134. But I apprehend there is no sort of deception practised upon the men; they are enlisted with the knowledge that they are to receive a certain pay, minus 2½ per cent., which will go to a superannuation fund?—It is understood, but my impression is, that there is nothing whatever said about wages at all; the men find out from their future comrades what their wages will be, and they come and enlist.

Chairman.

3135. But, when enlisted, they at once begin to count upon the amount which is deducted as a direct contribution by themselves to the fund?—I have admitted that the police look upon the fund as their own property, although I do not admit it myself.

Mr. CHARLES MARSHALL GRIFFITH, called in; and Examined.

Chairman.

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Griffith.

3136. I BELIEVE you are Chairman of the Quarter Sessions in Cardiganshire?—I am.

3137. And as such I have no doubt you have taken great interest in the police history of that county?—I have taken some interest in it.

3138. Has your attention among other things been called to this question of the superannuation

Chairman—continued.

of the police?—I have considered the matter myself; I do not know that I have discussed it at any great length with my brother magistrates.

3139. Are you aware of any feeling of dissatisfaction in the force in your district, with regard to the present system of superannuation?—I never heard that expressed in the force at all.

3140. Do

Chairman—continued.

3140. Do you think that the present system of pensioning a man after he has arrived at the period of 60 years of age is satisfactory?—I think I would give a man a pension rather earlier in life than 60 years; I think 60 years is fixing the age rather too high.

3141. Would you make it dependent upon age, as it is at present?—I would make it dependent upon the age, but I would substitute 55 years for 60, as a matter of opinion.

3142. You heard the previous witness give his evidence, and you heard his suggestion with regard to a fixed period of service?—I did not quite catch what the last witness said.

3143. The last witness suggested that a policeman should claim a pension after a fixed period of service of 25 years, independently of the age of 60, and therefore if he enlisted at 20, at 45 he would be enabled to go before the watch committee with a claim for pension; do you concur in that opinion?—I do not think that would be desirable; I think at 55 you might say a man might have a claim to pension, but even then I would make it conditional upon the discretion of the justices in quarter sessions; I think it most desirable that the justices should have a certain control over the men, that they should have the power of putting, if they think proper, a veto upon granting a pension after any length of service; that is my view.

3144. You think, supposing a man had served 25 years, and he then claimed his pension, you would still leave it at the discretion of the magistrates before whom the case would go, to dismiss him without a pension?—Yes, I would indeed; I may say that my experience is certainly in favour of that view; the justices are always disposed to give pensions very liberally, rather than not.

3145. That has been the evidence that we have had before the Committee, but supposing that you were made aware that there was a feeling in the force that the uncertainty of a system of that kind was a sufficient drawback to prevent their caring about remaining, would you think that the efficiency of the force would be injured by it?—I am speaking of a very small county which might hardly be taken as an example of other larger counties.

3146. What is the number of your force?—Thirty-five, but speaking of our small county, I am quite satisfied that there has been no dissatisfaction among the men in the force who have been there a long time; the men who have been recently enlisted we have considerable trouble in keeping, but when they have been a considerable time in the force I have never heard any dissatisfaction expressed; I am also of opinion that the fact that the men have contributed by deductions to the superannuation fund is a very strong motive to continue in the force.

3147. Of course the contribution is a strong motive, and you think that any feeling of dissatisfaction with regard to the uncertainty would be met by reducing the present rather great age to a shorter period?—Yes, that is the modification that I would suggest.

3148. Are you aware of the amount of the fund in your county at present?—Yes, the amount of the fund is, I am sorry to say, very small, and we are placed in this awkward position that we are beginning to trench upon capital.

Q.94.

Chairman—continued.

3149. You are not in the fortunate position of the last witness, with a large balance in hand?—We are very far from being so; I am very certain that in some way or other in our county we shall have to supplement the superannuation fund.

3150. Will you tell the Committee how the fund is at present supported in your county?—I think I can give it you, exactly; there is the $2\frac{1}{2}$ per cent. deduction from the pay, and we seem to have adopted those payments which were mentioned in the Police Act, the 3 & 4 Vict. c. 88, for instance, the stoppages from constables during sickness; fines imposed upon constables for misconduct; a portion of the fines imposed upon drunken persons and for assaults upon police constables, following the payments mentioned in the first Act.

3151. The Act obliges you to apply to the fund certain payments up to a certain maximum point allowed by the magistrates, and other stoppages for misconduct and the proceeds of the sale of old clothing?—Quite so.

3152. And beyond that you apply in your county those part penalties allowed under the different Acts in which the magistrates have discretion?—Yes, we do that.

3153. Notwithstanding that your fund is so supplemented, your income is not equal to its disbursements at the present moment?—Will you allow me to state the present position of our fund; we have invested in Consols, 1,200/. Last year we received from all sources, 144/.; and we paid in pensions, 179/.; therefore, you will see, that if that goes on, in a very short time we must be trenching on capital. Besides that, we are likely to have a larger number of pensions proportionately shortly, because we have a number of men with very long service, who will presently be claiming pensions.

3154. At present, you have three men on your pension list?—Yes.

3155. Could you state to the Committee how many men are above 20 year's service in your force?—I cannot answer that question, but I know as a fact that we have a large number of men who have had very long service.

3156. Do you know as a fact that a number of those men are rapidly approaching the age of 60, when they may apply for a pension?—I cannot say the age of 60, but if they have attained the age of 60, they have a length of service which will entitle them to come under the recommendation for pension.

3157. From what you know of the force, you think that the number of three at present upon the fund will be very largely increased?—Yes; I may say that we have a superintendent taking 100/. a year now from the fund, which is rather a heavy drain upon us.

3158. Under those circumstances, could you suggest any mode by which the fund could be supplemented so as to make it self-supporting?—Captain Willis has made some suggestions; he has been kind enough to favour me with a letter upon the subject; he has mentioned several other modes of supplementing the superannuation fund. I heard what the last witness said about the fees for granting licenses to pedlars, and I think it would be very desirable to add that to the superannuation fund, because the work is done by the police; and the fees, I think, arising from the stamping and adjusting of weights and measures where the police act as inspectors might

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might go to it also; in our county the police do act as inspectors of weights and measures.

3159. That would not be a very large sum, I presume?—It is not a very large sum; personally, I object altogether to the plan of supplementing the superannuation fund by payments of this kind.

3160. As I understand you, your fund is not in a flourishing condition, and is only supplemented by these contributions?—Quite so.

3161. And do I understand that you object to the mode in which those contributions are made?—Perhaps it is rather a bold thing to say, but I am objecting to the present system which was adopted by the Act of 3 & 4 Vict.

3162. You mean you object to the whole system of setting up a superannuation fund to meet the question of pensions?—No, I mean I object to the supplementing of the fund by the means laid down in that Act, such as half penalties.

3163. What would you propose?—I would suggest giving the men sufficient pay to admit of a deduction sufficient to make the superannuation fund able to meet all requirements. I think that would be a far better course, because I have a great objection to paying the police by results, and it is practically that.

3164. What you mean is, that you would increase the stoppages from the police wage?—I should not object to that.

3165. If you wished to give a certain wage, out of which you might set up a superannuation fund, it means this, that you would advocate an increase of stoppages?—Quite so.

3166. You would look to the deduction by stoppages from the men and the fines for misconduct, which are also, under the Act, for the future maintenance of your superannuation fund?—I would look to stoppages and fines for misconduct, but I would do it in this way: taking, as we have adopted in our county, a deduction of $2\frac{1}{2}$ per cent. from the pay, if that was not enough, I would make it 4 or even 5 per cent. I would say, give your men sufficient wages to admit of your making a deduction which would be sufficient for your superannuation fund.

3167. Do you think that the ratepayers would be prepared to pay a rate of wage which would cover an amount of deduction sufficient to sustain the fund?—I think if they understood the way in which the thing worked they would be perfectly satisfied.

3168. Have you formed any idea of the deduction which ought to be made to support the pension list?—No, I have not made any careful calculation. It is quite evident that there must be an increase if we depend upon the deductions.

3169. Can you give the Committee the amount which is derived from the deductions at present?—I feel perfectly certain in my own mind that it is almost entirely supplied by deductions.

3170. You do not think the contribution to the fund from the half penalties, in cases where the police are informers, is a very large amount?—No, it is very small.

3171. I find it here returned at 53 l. for the last year. The whole of your receipts are 147 l., therefore there are not above 90 l. left for all the other increments to the fund?—That is so.

3172. Under the loss of that 53 l. you would probably have to raise your contributions from

Chairman—continued.

the men by more than half?—I think that, in order to be on the safe side, you ought to say 5 per cent. as the deduction.

3173. But I want to get at the actual state of your own force; at present your men contribute $2\frac{1}{2}$ per cent., and your fund is rapidly approaching bankruptcy; to meet its present condition, when it is so approaching bankruptcy, you would have to increase the contributions of the men by more than half, if you did away with the penalties to which you object?—Quite so.

3174. That would place it at very nearly 5 per cent. that you would deduct from the men at once to meet the present state of things; but if you want to make the fund self-supporting it must be very much larger again than that?—I think it must.

3175. Do you think that the ratepayers of the day would be willing to give a rate of wage which would meet the wants of the men, and get men into your service, deducting from their pay an amount as large as that?—As I said before, if the mode in which the thing would work were thoroughly explained to them they would be perfectly satisfied.

3176. Would it not be a simpler form, under those circumstances, to make the pensions a direct charge upon the rates?—That is another question. I think it would be far better than supplementing the fund with those payments. I think as long as you have a system of making deductions from pay, it ensures good conduct on the part of the men; and also ensures their continuance in the force.

3177. Would you see any objection to another fund being added to the superannuation fund, which is applied now, not to the county, but to the police rate; I mean the amount derived from the services of the police in serving warrants, as I understand they are distinctly separated from the half penalties; because in one case they are paid to the county rate, and in the other to the police rate; would you see any objection to the contribution to the police rate being applied to the superannuation fund?—I would rather have the contributions to the superannuation fund made up in one of two ways, either by deduction, or as a charge upon the county rate.

3178. So that you are opposed to the present system entirely, of maintaining the superannuation fund?—I am opposed to the system of supporting the superannuation fund by those half penalties; it is a very troublesome and cumbrous process making up the superannuation fund; if those half penalties did not go to the superannuation fund, as a general rule they would go to the treasurer, either for the police rate or for the county rate. It would be a much simpler thing either to let them go to the police or county rate; and if the superannuation fund is not enough, then make it a direct charge upon the rates.

3179. What scale of pensions would you suggest; would you suggest the same as at present, or would you make a change?—No; I think the present system has worked well.

3180. I suppose your present system adopts the three different grades, that is to say, gratuities for very short services, pensions on medical certificates, and pensions after the age of 60?—Our numbers have been very small; I can hardly say we have had instances of each of these kinds of gratuity and pension in our small county.

3181. You

Chairman—continued.

3181. You have not sufficient experience of the smaller pensions to say whether you think it would be advisable that men who are pensioned on medical certificate should be called upon after a period to have their pensions reconsidered?—I think that would be most desirable; and I can give you the reason for saying so; because amongst those three pensioners was a man who six years ago obtained a pension as a sergeant; he received an amount equal to the whole of the pay he was previously receiving on account of an injury he received in taking a prisoner to the lock-up. It was represented by the medical man that the man was permanently disabled, and was not likely to live; we made him a grant to the full amount of his pay; I have now reason to believe that he will live to an old age, and that we are saddled with the whole amount of his pay. I think such a man as that ought to be called upon to appear before the justices from time to time, to see if he was capable of earning any livelihood elsewhere.

3182. That where a man has been pensioned on full pay, he should be called upon to reappear after a period in order to satisfy the authorities that he was still incapacitated from duty?—Yes, I should say so.

3183. Have you any feeling to express to the Committee with regard to carrying service between one force and another; the present Act allows a man who is promoted from one force to another, supposing he has served seven years in the force, to carry with him half the number of years of his service to count towards superannuation in his new service; do you consider that that is a satisfactory system, or would you allow, as has been suggested, that when a man has been promoted for the public interest, with the consent of both parties, he should be allowed to take, not the half service, but the whole service?—I think if it was a voluntary act, he should not take more than half, otherwise I would give him the whole if he were promoted.

3184. Under the present system it must be with the consent of both parties on promotion; therefore do you think the present system is satisfactory, in which a man is mulcted of half of his years, or do you think he might, with reason, claim under those circumstances, that he should count the whole of them?—It is very desirable to keep the men in the force as long as you can, and not to make them restless by wishing to change from one force to another; therefore I would not allow the full length of service.

3185. Do you apply that in the case where a man wishes to change?—Yes, I thought you were putting that case to me.

3186. The present law is, that when a man is promoted to another force, becoming for instance the head constable of a borough from a county force, if he has served 16 years in the county force, he is only allowed to count eight years of that service towards the superannuation in the borough force, and the complaint is, that as he has been promoted with the consent of the parties interested, it is hard upon him that he should not be allowed to count the whole of his years; what is your opinion upon that point?—I think, with a view to preventing their being restless, and not remaining in the force, they should not be allowed to count the whole of their service.

3187. Do you think that would not prevent the authorities from obtaining efficient men?—I

0.94.

Chairman—continued.

think those who have the management of each particular force, should consider what is for the interest of the force.

3188. You think it would be for the disadvantage of county forces, that any change should be made?—I think so.

3189. Would you see any objection to the plan which has been suggested of granting gratuities, that the gratuity which, under the present law, may be paid to a man's widow, should be paid to his children if he leaves no widow?—I have not considered the matter, and therefore I would rather not answer the question.

Mr. Scourfield.

3190. I believe Captain Freeman is the head of the police in Cardiganshire?—Yes, he is.

3191. He has been the head, I believe, from its first institution?—He has, and before I knew anything of it.

3192. Do you know what his opinions are with regard to this matter?—His opinion with regard to the fund is this: he shares the opinion I have expressed, that the fund must be supplemented in some way or another, and as far as I can understand, he adopts entirely Captain Willis' suggestion; he is in favour of increasing the sources of payments.

3193. Cardigan and Aberystwith are the only two boroughs in your county; have they police of their own?—No.

3194. Then there is only one police in the county of Cardigan?—Yes, that is all.

3195. The county of Cardigan may be taken as rather an exceptional county altogether, may it not?—It may.

3196. There is another great peculiarity in Cardiganshire; Cardiganshire may be taken as the type of a purely Welsh county, as much as any county in Wales, may it not?—I should say so.

3197. Is it a necessary qualification of the greater part of your policemen that they should speak Welsh?—As a fact, I believe that they all speak Welsh; I have no doubt of it.

3198. And has that not rather a tendency to keep them more in your county, than the police in other counties; I suppose some of them do not speak English very well, do they?—I do not find much difficulty about that, but they all of them speak Welsh; I never remember the case of a constable who could not speak Welsh, but we have had great difficulty of late years in keeping men in the county, and for this reason, that the rate of police pay in Glamorganshire, where there has been a very general rise of wages, has immensely increased of late years, and being considerably higher than ours; there has been a great tendency on the part of our men to go into Glamorganshire. We have no less than 15 out of our 35 constables under 10 years' service; and I know that a great number of them are men of very short service indeed; that arises in this way, that men are dissatisfied with their pay, and have gone into other Welsh counties. About two years ago, we had a special police committee, over which I had the honour to preside, and we, with the sanction of the Secretary of State, raised the rate of pay, and I think the men are very well satisfied.

3199. Is your pay on a par with that of Carmarthenshire?—I do not know that.

3200. As a matter of opinion when a certain deduction

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deduction is made from the pay of your men, do you think that they have any strong-founded expectation of a pension, or do they believe it is a fund established to meet special cases arising from special causes?—I think they mostly look upon it as a pension; that they have practically a vested interest in the pension, of course; when a man has paid only a few deductions from his pay, the pension is so far off that he does not think much about it, but when a man has been in the service some time, he, no doubt, does consider that he has a claim upon it, because they are very safe in the hands of the justices and the chief constables, unless they have been guilty of great misconduct.

Mr. Fairfax Cartwright.

3201. You said that by taking 5 per cent. from the pay of the men you would increase their wages?—I would.

3202. You would relieve the ratepayers of half that increase, because as the Government pay half the pay of the police, the ratepayers would be relieved of half of that extra $2\frac{1}{2}$ per cent?—That would be so.

3203. It would be a benefit to the rates in that respect?—Yes, I am quite sure of what I am saying.

Mr. Torr.

3204. You said you had not made a calculation as to how much additional deduction would be required to meet the pensions of the men, but the average pay of your men is about how much?—I have here a statement that I can give you of what each class are paid; the chief constable has 250 l.

3205. And ordinary men?—Sergeants, 4 s. 4 d.; we have three classes of constables, the first, 3 s. 6 d.; the second, 3 s. 3 d., and the third, 3 s.

3206. Do they work seven days in a week?—Yes.

3207. According to that, your total wages would be over 2,000 l. a year?—I have not made the calculation.

3208. I merely wished to show how very short a way that contribution would go towards the pension fund; if you raised the deduction to 5 per cent., you would get 100 l. a year from your men, and if you raised it to two-thirds you could not pay the pensions to the men upon your list?—It would not be sufficient.

3209. Then according to the ages of your men you have at least seven men who would now be entitled if the age qualification were reduced from 60 to 50, to go upon your fund?—I would wish to say, I have not worked out the calculation, as you see, but what I wish to express my strong opinion upon is, that it is very undesirable to supplement the superannuation fund by what are called payments in aid, that is to say, by half fines or fees. If there is this difficulty which you were kind enough to point out to me, I would rather say let it be a charge upon the rates than have it supplemented by these payments.

Colonel Dyott.

3210. With regard to those two boroughs you have mentioned, do they contribute a fixed sum to the rate from which the police are paid, or is the property in those boroughs rated in the same way as the property not within the borough?—They are rated in the same way as the property

Colonel Dyott—continued.

not within the borough; that I believe to be the case.

3211. It is the case in many counties?—I have not the slightest doubt about it.

3212. The whole of your county is subject to one chief constable, is it not?—Yes.

3213. The police are paid by the general rate over the whole of the county, and not out of any sum to which the police rates may themselves contribute?—Quite so.

3214. Now with regard to the pedlars' licenses, you recommended that the pedlars' licenses fees should go to the superannuation fund, how does that money go now?—That is a thing I am uncertain about; I have been always of opinion that they have been paid over to the county treasurer; Captain Willis suggests that they should go to the superannuation fund; I take it for granted that they do not go to the superannuation fund at present, and, as I represented, that is done by the police, and I think if you do supplement the superannuation fund by any payment, that would be a very proper payment to add.

Chairman.

3215. Let me call your attention with regard to one point of your evidence, to a statement made by Dr. Farr, with regard to the metropolitan police, in which he lays down from a statistical point of view, that taking the rate of wage of the men, and the deduction, it would require 13 per cent. to be deducted from the pay to meet the pensions, that was the rate of deduction which was calculated upon the existing system of pensions; I wished to call your attention to that fact because $2\frac{1}{2}$ per cent. bears a very small proportion to the deduction which would have to be made if Dr. Farr is right?—That is the best possible proof that I made the suggestion without making the calculation; I think it is practically very undesirable to encourage the police to move in this matter, by giving them a hope that somehow or other, directly or indirectly, they will get the benefit of the fines inflicted upon the cases in which they prosecute.

3216. Do you think that the fact that the fines will go to a fund from which the benefit they will derive is remote, would really affect their work with regard to the penalties under these Acts?—It is remote, no doubt, but I think it would indirectly affect them if they knew they had a vested interest in a pension which is so largely supplemented by these payments, and I think, therefore, it is undesirable that the fund should be supplemented from those sources.

3217. But at the same time that remote payment is a remote payment only to good men, and therefore a certain number of the force who might be influenced by this motive, would probably never benefit under it?—I am afraid that the police are sometimes a good deal more influenced than we should wish they should be, by considerations of that kind.

3218. I wished to know whether your attention has been called to it, and whether it was your opinion that that influence existed in the force?—I entertain that opinion myself.

Mr. Scourfield.

3219. I think you said that your superintendent

Mr. *Scourfield*—continued.

tendent was receiving 100 *l.* a year as pension?—I think it is 100 *l.* a year that he is receiving.

3220. What was his pay?—*£*. 150 *l.*; we have now reduced the pay to 120 *l.* for our superintendents.

3221. How many years did he serve?—A very long service; he had done very good service

Mr. *Scourfield*—continued.

for the county, and was quite entitled to his pension.

3222. You do not know how many years he had served?—I do not know exactly. I am afraid to say.

3223. He had paid his 2½ per cent., had he not?—He had.

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Mr. ISAAC WILSON, called in; and Examined.

Chairman.

3224. You are Chairman of the watch committee at Middlesborough, I believe?—I am.

3225. How long have you been chairman?—I have been chairman of the watch committee for upwards of 20 years.

3226. Therefore your attention has naturally been constantly directed to the question of the police of the borough?—It has.

3227. Has the present system of pensions been liberally administered in your borough?—We have no pensioners on our fund at present; we have, of course, given certain sums for withdrawals from the force under the present Act, but we have no pensioners on our fund at this moment.

3228. Your force was established in 1853, was it not?—Yes; and our superannuation fund was established in 1862.

3229. Therefore the fund itself is one of the youngest of funds, if I may call it so?—It is.

3230. Has that been the state of your pension list always, or is it only accidentally so at the present moment?—No, we have never had pensioners upon our list.

3231. Can you attribute that to any cause in particular?—No; excepting that our oldest officer, who is the superintendent, has not served the necessary length of time that would entitle him to a pension; we have no old men in our force.

3232. Will you kindly give the Committee the length of service of the men?—The chief constable, who served three years and nine months in the Lancashire force, and then 10 years in the Oldham force, came to us from Oldham on promotion, and was allowed five years, and he has served with us 14 years, therefore he has now served 19 years to count for superannuation; the next are two inspectors who have both served 17 years; two 14 years, one 11 years, one nine years, one sergeant has served 12 years, one 11 years, and there are 10 sergeants under 10 years. Then with regard to constables, one has served 12 years, one 11 years, three between five and nine years, and 46 under five years; of course, our force has been continually changing, and young men have been brought in.

3233. Have you found that your force changes very much?—Very considerably more in the years 1873 and 1874 than just at the present time.

3234. That, I suppose, was simply a question of wages?—Simply a question of wages. In those years trade was brisk in our district, the wages then were exceedingly high, and as we were obliged to advance our wages by degrees, we, perhaps, hardly kept pace with the rise outside, and the men left us. Now a reduction of wages is taking place in other employments, and we 0.94.

Chairman—continued.

have not reduced ours, so that we are keeping our men rather better; the average change has been under 20 per cent., I should say.

3235. During last year do you mean?—No, speaking of the time since the force was established.

3236. I suppose a great number of those changes are of men who, coming into the force and enlisting, find the duties different from what they imagined, and leave at once?—The changes are generally among the recruits and young men.

3237. Your losses amongst the men who have been there three or four years are not, I presume, 20 per cent. by any means?—Certainly not.

3238. Do you think that the present system of pensions is satisfactory to the force?—I do not think it is; there has been a good deal of discussion upon the subject in the force; and the fact is, in the whole district it has been the same.

3239. What form has that discussion taken?—A desire to insure a fixed pension.

3240. To insure a fixed pension instead of the present system?—Yes; the men object to be dependent upon the vote of a watch committee.

3241. What you mean by that is that they would ask, after they have served a certain number of years, that they should be entitled to claim a pension in the same way as a soldier does after he has completed his service?—Quite so.

3242. What is your own feeling?—You must take it as my own, because I have not had an opportunity since I received your summons of consulting my colleagues; so that I should not like to give my suggestions as the opinion of the watch committee of Middlesborough. My own opinion is, that after 25 years, counting from 21 years of age, they ought to be entitled to a pension.

3243. From 21 years of age, even if they join before that time, and that after 25 years' service they should be entitled to claim a pension?—Exactly.

3244. Would you state upon what scale they should be entitled to claim?—They should be entitled to claim two-thirds after 25 years' service. With our experience that would give very few to pension under 50 years of age; our average age on joining the force is 26.

3245. But that would entitle the man who joined at 20 to superannuation at 46?—I look upon it that if a man has served 25 years from 21 or 22, he has done good service, and is entitled to his pension; of course, whether I am right as to two-thirds or not is simply a matter of opinion.

3246. From your own experience you believe that

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that the efficiency of the force would be improved by the adoption of a system of that kind?—Decidedly.

3247. Satisfying the men, and therefore encouraging them to remain in the force?—Decidedly. I think they are entitled to some security that they will obtain an advantage from the deductions which are made from their pay.

3248. You see no objection to a man who has been in the service that length of time claiming a pension as a matter of right without the discretion of the watch committee at all?—Decidedly. I would let him have it has a matter of right.

3249. Always supposing that discipline is maintained, and that it is only the good men who can possibly remain in the force up to that time?—Yes, we have always been very well reported upon by the Government inspector, and we profess to be very strict with our men, and under those circumstances I should trust to the men being kept thoroughly up to the mark, and that they would not be kept in a position to receive pensions unless they had been thoroughly good men.

3250. Would you suggest any other limit at which pension might be claimed, except the 25 years' service?—There has been a suggestion, I would hardly say that it was my suggestion, that after 21 years' service a man might be entitled to claim some pension; but I would hardly approve of anything under 25 years' service. I do not think I would advocate going lower than that.

3251. You would leave everything below 25 years' service to be treated as it is at present, upon medical certificate?—Exactly.

3252. That a medical certificate should entitle a man to pension for the years below 25?—Quite so.

3253. Would you leave that discretionary or not?—I would leave that discretionary, because so much depends upon circumstances upon which you can hardly legislate, and of which the employers must be the judges.

3254. You think that if it was left as a right it would throw too much upon the medical certificate?—It would.

3255. With regard to the point of carrying service, has your attention been directed to that?—I am strongly of opinion that no service should count except on promotion, but on promotion I would give a man his full service.

3256. You think that carrying service, in anything but cases in which a man is promoted, would tend to constant changes of the men?—It has been said that, to give a man his full term of service even on promotion, is objectionable, because it may saddle the new borough to which he is going with a heavy claim upon the superannuation fund, but I think they would take into consideration what service he brought with him, and if he was not worth it he would not be taken; it would be a bar to his removal. A borough would consider whether they were justified in taking a man with, say, 14 years upon his back or not.

3257. While it would be doing no injustice to the man it would be fair to the borough, who would be at liberty to say, "Aye," or "No"?—Quite so.

3258. Has the question with regard to gratui-

Chairman—continued.

ties being limited to the widow been brought under your attention?—I am strongly of opinion that it is an injustice not to allow children to participate. I quite agree with the view of the case that they should take, and I would go a little further, and suggest that if a pensioner dies within one year of his receiving the pension (there are two or three instances of that which have come to my knowledge), his widow or children should be allowed a gratuity. At present, if a man dies within a fortnight of his superannuation, his widow or children receive nothing; the pension sinks.

3259. You would suggest that, when a constable dies within a fixed period after having been superannuated, his widow and children should be entitled to receive a fixed sum?—To receive a similar sum to what they would have been entitled to if the man had remained in the service.

3260. By way of gratuity?—By way of gratuity. I put it in this way: if the man had died in the service, the widow or children would have been entitled to a gratuity if he had served a certain time; that is merely a way of assessing it. I want to make some provision for that so that it should not depend exclusively upon the life of the man.

3261. You would wish that the widow and children should be put into no worse a position by his dying after having been superannuated than they would have been if he had died in the service?—Quite so.

3262. You yourself feel that the efficiency of the force of your district would be promoted by an alteration of the present system of pensions, and giving men a direct claim to such pensions out of the fund?—Very decidedly.

3263. Now with regard to the fund itself, I believe your fund from its having been a very recent one is in a very flourishing condition?—We have in hand at present 4,575*l.*, which has been invested.

3264. That was supplemented this year by a large surplus of income over your disbursements?—It was.

3265. Has there been a steady progress?—Yes; in 1863 the amount was 194*l.*; in 1864, there was something peculiar that year, 174*l.*; then 273*l.*, 257*l.*, 237*l.*, and then 499*l.*; then 525*l.*, and then 487*l.*, and this year up to this time 386*l.*; that is to say, the receipts from the police, the penalties and fees, and the interest.

3266. That is the full income?—Yes, the full income.

3267. At present you are in the position of a fund which, without having any draw upon it, is steadily increasing?—Yes, quite so.

3268. Do you imagine that that state of things will continue?—We cannot by the scale I have given you have anyone upon our fund as pensioner (supposing my view was adopted of 25 years) for seven years.

3269. Has your attention ever been called to a report which Dr. Farr published with regard to the Metropolitan Police?—I heard you mention it.

3270. Dr. Farr stated in his report, I believe, that the first real strain upon the fund might be looked for at the end of 21 years, and that under the present system it ought always to be bankrupt at the end of 30 years; if that were the case you would not be confident that your increase to the fund

Chairman—continued.

fund would render it self-supporting?—But I think we are in an exceptionally good position. I daresay Dr. Farr takes his calculation from the average of all funds in England. I should not fear being bankrupt for my own part.

3271. Could you give me the contributions of the present year to your fund?—I can tell you what does go to it, although I have not the amounts under each head. At present we deduct 6 *d.* a week from inspectors, 5 *d.* from sergeants, and 4 *d.* from constables; fines inflicted on constables for misconduct and stoppages according to the Act, half penalties in cases of licensed victuallers and beer sellers, where the police are informers; whole penalties for assaults on police; portion of penalties in drunken cases; and the allowance for serving summonses and executing warrants.

Mr. Torr.

3272. You receive the whole of the fees for the service of summonses and the execution of warrants?—Yes.

Chairman.

3273. You contribute therefore to the superannuation fund from all the sources which you are entitled to do?—Yes, excepting I find that under the penalties of drunken cases we might take 3 *s.* In most cases the fines inflicted for drunkenness is 10 *s.* 6 *d.*, the costs being 4 *s.* 6 *d.*, which leaves 6 *s.* I find we have only taken 2 *s.* as a rule. I could not trace out how that was so, but it has always been 2 *s.* out of the fines imposed for drunkenness.

3274. It has been at the magistrate's discretion, has it not?—Yes; I made that statement rather in answer to the question whether we took the full amount. I find that we could take 1 *s.* more.

3275. Then you are not quite up to the full deduction?—No, we only deduct 2 per cent. instead of 2½ per cent.

3276. Have you any other suggestion to make to the Committee with regard to the method of supplementing the fund?—No, I do not suggest anything, except that the whole penalty where police are informers should be allowed to go to the fund.

3277. Did you hear the evidence of the last witness upon that point?—I heard most of it.

3278. You do not agree with him, then, that there would be any objection in giving the penalties in the cases where the police are the informers to the fund, on the ground that that might induce the police to press for them?—Not the least; with us I do not think it would have the slightest effect. I have acted as magistrate in the borough for many years, and I have never seen anything which led me to suppose that it had any perceptible effect.

3279. The result of the contribution to the pension by the man himself being a remote contingency, he is not induced on that ground to press unfairly for the penalties?—No, I do not think that the question of what becomes of the penalties ever enters his head.

3280. Do you think that the question of a pension ever enters the head of a recruit at all when enlisting?—Not of the recruit, but when he begins to be settled in the force he begins to look to the pension.

3281. That was one of the reasons which led

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Chairman—continued.

to your conclusion that it would be desirable to give them a certainty instead of an uncertainty?—Quite so; as soon as he gets what he considers a sort of vested interest in it, then he begins to strive to keep it.

3282. Dealing with these pensions, which are granted upon medical certificate, at the discretion of the magistrates, have you any opinion to give to the Committee with regard to the point I put to the last witness, as to a man who has been pensioned on a medical certificate being obliged, after a certain period, to report himself, so that his pension might be reconsidered?—Yes; I heard your question and the answer of the witness. The matter had not been brought before me prominently before, but I think there is a good deal in the suggestion that a man that was pensioned upon a supposed permanent injury should be made to report himself occasionally, because it is an objectionable thing to see a man who might entirely recover from an injury which appeared to be permanent still remaining in receipt of that pension without doing further duty. We see these things continually in railway accidents, where men think themselves damaged for life; but when a considerable sum is paid as compensation they suddenly become very much better.

3283. From the ratepayers' point of view you are of opinion that it would be very desirable to have such a power of revision, while the man himself would not be injured?—I think it is a very good suggestion indeed.

3284. Have you considered at all the question which was also asked the last witness with regard to the alternative of throwing the whole charge upon the rates instead of upon the fund?—Yes, a little; I should not say I have given it any minute or lengthened consideration, but the opinion I have formed is entirely adverse to anything of the sort; I think that the ratepayers in boroughs would decidedly object to it; that is to say, that there would be much more objection to it in the shape of a direct charge upon the borough rates than there is in the shape of supplementing it by those fees; but, at the same time, I quite agree with the suggestion that the capital should not be reduced; I think there is a good deal in that, because it really makes a charge upon the present inhabitants of the borough; they bear their own costs; in the other case you may work your fund down to nothing, and your successors may be heavily charged for the benefits you have received from the services of men in the past.

3285. You would see great advantage in laying down a regulation that the capital of the superannuation fund should not be entrenchd upon, and I suppose also that a fixed portion of the income should be annually added to it?—I think so, decidedly; I think that would be a decided improvement upon the present plan.

3286. That would insure at some period or other the ultimate solvency of the fund?—Quite so.

3287. Whilst, at the same time, you might protect the fund from growing to any great excess by giving a power, upon the application of the authorities to the Secretary of State, to apply the penalties to the county rate instead of to the superannuation fund after the fund was full?—I am speaking of the borough entirely, of course; but, as a county magistrate both of the North Riding of York and of the southern division

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sion of the county of Durham, I know there is some difference in the mode of acting under this Act between counties and boroughs, but I was speaking expressly with regard to boroughs; there are some things which cause probably a little difference in dealing with the ratepayers in counties from dealing with the ratepayers in boroughs.

3288. But, at the same time, that does not affect the question of keeping the capital untouched?—It does not affect the last point.

3289. Is there any other point which you would wish to submit to the Committee?—There is one matter which I would throw out as a suggestion. I do not know how far the Committee might think it worth taking a note of; it was a suggestion of our superintendent, who is a man of great experience, and who has been in the force a considerable number of years, that a commutation system would be very advantageous to the pensioners, and also to the fund; that is to say, giving a sum in gross, if so desired. I should not like to mention a figure; that is a thing you would mark out. You might say 50 per cent. of the annuity calculated upon 10 years' purchase.

3290. You would allow a man to capitalize his pension on leaving the force?—Yes, I would give him the option of capitalizing his pension. It might be very useful for a man to get 300 £ or 400 £ to start in business when he left the force, and it might be an advantage to both parties. I would not do it otherwise, but in that case I would suggest that that might be done.

Colonel Dyott.

3291. You would pay a man a sum in gross, instead of paying him an annuity?—Yes, calculated upon the regular life assurance principle, I think it would be an advantage to a man, and also it would be something to look forward to, that when he had served his time he might come into the possession of a sum of money which would enable him to go into a way of business which he could manage well, although he was not fit for the tramp of a policeman.

3292. You suggest that that might be of advantage to the fund?—Quite so; it is quite possible.

Chairman.

3293. Is there any other point which you wish to add to your evidence?—With regard to changing from one force to another, I would add that it is only upon continuous service that I would allow a man to count the whole time.

Colonel Dyott.

3294. You said that you had an officer transferred from the Oldham force, and that he brought five years of service with him to count against your superannuation fund; do you think that that is a fair system that your fund should pay the superannuation, when you admit that the superintendent who came to you was to count five years against your fund?—I do not object to it at all. We took him with the knowledge that he had that service.

3295. But you had not the benefit of his service?—We engaged him with that knowledge; the salary we gave him was a matter of bargain; we knew that in taking him we had to take a man who had five years' service to count, and on the other hand we have in our borough parted

Colonel Dyott—continued.

with men, who are now superintendents in other districts, who paid to us for eight or 10 years before they went to other places; we saved in their cases what we lost in the other. I do not think, as far as our experience goes, that we have lost anything, but that removes have saved us as much as anything that we have lost in taking men from other forces.

3296. If that give and take principle was universal, it would be as broad as it is long?—You cannot make it universal. I am only speaking of our own force.

3297. But you would admit that it must end in the probable bankruptcy of the fund, if pensioners were paid out of that fund to which they had not contributed?—There are two elements to the bargain; a man offers himself, and you inquire into his service, and you find he has served such a time, and you would say, No, it will not suit me to take you.

Mr. Torr.

3298. If you took an ordinary policeman, who had served a considerable time in another force, would you make any allowance for the time he had served?—If he had been serving 15 or 20 years in another force, I should be unwilling to take him unless he was a very much better man than I could get without that period of service.

Colonel Dyott.

3299. Would you think it would be any advantage to send some money with the man, as well as his service?—I cannot say that I have worked that out. I think it would be very difficult to work it out. I think the safeguard is that there are two to the bargain. I would not take a man if it did not suit my purpose to do so; if he is a good man I would take him with his service; if he is not a good man, I would not take him with his service or without it; that is my safeguard.

Mr. Torr.

3300. In the case of promotion you say that you would allow the full time to count?—Yes.

3301. But you would not lay down that rule for the exchange of ordinary policemen?—I do not think it is wise; although I should not strongly object if a scale could be laid down. I should not myself object to allow a certain portion of the time; but I think it is rather undesirable to do anything that gives the men any facility for changing from one force to another upon fancy.

Mr. Scourfield.

3302. Have many of the policemen in your borough been disabled by assaults?—Yes, we have had one or two men disabled, not very seriously, to whom we have paid gratuities. We have only paid out 286 £ altogether from our fund, including a man who retired before 15 years' service, to whom we gave 60 £, and a man whose widow got 91 £.

3303. What is the population of Middlesborough?—Fifty-five thousand.

3304. And how long has the police force been established there?—Since 1853.

3305. What is your opinion about transferring the fees on hawkers' and pedlars' certificates?—I should have no objection to transferring them, nor do I think the borough would; it goes into the

Mr. *Scourfield*—continued.

the borough fund at present, and would strengthen this fund. The feeling of our borough is, that anything which they can do without coming heavily upon the ratepayers ought to be done; they have treated the matter very liberally, and their view is to strengthen it as much as possible while we have not any pull upon us.

Mr. *Scourfield*—continued.

3306. Do you think that there would be any danger of their granting certificates rather laxly, which is very much to be avoided, if the fees were applied for the benefit of the superannuation fund?—In our case the superintendent grants them all, and I do not think it would influence him in the least.

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Mr. JAMES MARRIOTT, called in; and Examined.

Chairman.

3307. You are a member, I think, of the Watch Committee at Coventry?—I am.

3308. Have you been for any time upon that committee?—I have been there practically for the whole of the last 20 years.

3309. You have seen the growth and history of this superannuation fund in Coventry?—I have. I was mayor of Coventry from 1865 to 1867, and during those two years, I of course saw a great deal of it.

3310. Your fund was established in 1848, I believe?—I believe it was.

3311. And the police force was established in 1836?—Yes.

3312. Therefore there was an interval during which the police force existed before the commencement of your superannuation fund?—Yes.

3313. How many pensioners have you upon the fund at the present moment; can you tell the Committee that?—I believe it to be six pensioners.

3314. Can you say whether those pensioners are men who were in the force before 1848, or subsequently to that time?—I think I could give you the particulars with regard to each of them. The first man is John Griffiths; his age at joining was 35; the date of his joining the 9th December 1836; the date of his leaving the 9th May 1853; his age at leaving was 51; $16\frac{1}{2}$ years was the period of his service; his weekly wages at the time of leaving were 16s., and the amount of superannuation per week, 8s.; he was an ordinary constable. The next is James Simons; age at joining, 35; date of joining, 14th June 1839; date of leaving, 9th March 1857; age at leaving, 52; number of years served, $17\frac{9}{12}$; weekly wages at the time of leaving 19s.; amount of superannuation per week, 9s.; he also was an ordinary constable. The next is Thomas Hollick; age at joining, 30; date of joining, 22nd July 1836; date of leaving, 20th October 1857; age at leaving, 51; number of years served, $21\frac{1}{2}$; weekly wages at the time of leaving, 19s.; amount of superannuation per week, 9s.; he was also an ordinary constable. The next is Thomas Prosser; his age at joining is not given in my return; date of joining, 7th March 1836; date of leaving, 14th April 1862; his age is not given at leaving; the number of years he served was 26; his wages at the time of leaving were 160 l. per annum; the amount of his superannuation per annum was 93 l. 6 s. 8 d.; he was the head constable. The next is Thomas Coltman; age at joining, 33; date of joining, 13th January 1839; date of leaving, 25th June 1857; age at leaving, 51; number of years of service, $18\frac{1}{2}$; weekly wages at time of leaving, 22s.; amount of superannuation per week, 12s.; he was a sergeant in the force. The next is Frederick Payne; age at joining, 30; date of joining, 15th No-

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vember 1844; date of leaving, 17th August 1865; age at leaving, 51; number of years served, $20\frac{1}{2}$; weekly wages at time of leaving, 25s.; amount of superannuation per week, 14s. 2d.; he was an inspector. The next is Charles Muston; age at joining, 31; date of joining, 6th June 1844; date of leaving, 11th July 1868; age at leaving, 55; number of years served, 24; weekly wages at time of leaving, 28s.; amount of superannuation per week, 14s. 4d.; he also was an inspector. The next is Samuel Deerning; age at joining, 28; date of joining, 29th May 1836; date of leaving, 31st December 1867; age at leaving, 59; number of years served, $31\frac{1}{2}$; weekly wages at time of leaving, 27s.; amount of superannuation per week, 14s. 1d.; he also was an inspector. The next is John Parker, age at joining, 28; date of joining, 7th March 1836; date of leaving, 24th November 1857; age at leaving, 49; number of years served, $21\frac{1}{2}$; weekly wages at time of leaving, 23s.; amount of superannuation per week, 11s.; he was a sergeant; and the last one is John McDermott; his age at joining was 38; date of joining, 14th June 1848; he left on the 7th December 1873; he was 63 years old when he left; he served $25\frac{1}{2}$ years; his wages upon leaving were 40s.; and the amount of his superannuation was 16s.; he was an inspector; this man also was allowed a gratuity from the borough fund of 20 l.

3315. What is the total number of pensioners from the list that you have read?—Ten.

3316. And of those 10, as I gathered, all of them were enlisted into the force before the commencement of the fund; that is to say, before 1848?—Excepting the last, who joined upon the 14th June 1848.

3317. The fund was established in September 1848, so that all of these men were in the service, and some of them for many years, before the fund was established, their payments having been only made during about the last 10 or 15 years of their service?—I can vouch for this statement being accurate.

3318. What I wish to arrive at is this; that the draw upon your fund has been quite exceptional?—It has; we are quite aware of that.

3319. Your fund has amounted, at present, to what?—In 1874 it was 348 l. 14s. 9d.

3320. Whilst your income for that year was how much?—£. 290. 14s. 11d.

3321. And your disbursements?—£. 265. 2s. 4d.

3322. So that your income is slightly in advance of the claims upon your fund?—Slightly.

3323. Your fund has been yearly decreasing?—There is no doubt that it must be exhausted in a very short time unless it is supplemented from some other source.

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3324. How

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3324. How is it supplemented; there is a stoppage from the men of 2½ per cent.—Yes.

3325. Do you contribute to the fund the half penalties?—I can give you the particulars. On the 29th September 1873, the amount of the fund was 323*l.* 2*s.* 2*d.*; the total contributions by the members of the force were 72*l.* 4*s.* 10*d.*; the amount of fines and penalties to the fund was 31*l.* 11*s.* 7*d.*; and the fees for the execution of warrants and the service of summonses were 151*l.* 13*s.* 7*d.*, and the other receipts, which would be small sums, which would be paid in in sundry ways (I have not the particulars of them), were 35*l.* 5*s.* 11*d.*

3326. Could you suggest any method which you think ought to be adopted for strengthening the fund in your borough?—I have never given the thing sufficient thought. I have always felt it was a matter which no one person was able to judge of; it could only be judged of by getting information from all quarters of the country, and if it is found necessary to supplement it, of which I do not think there can be the slightest doubt, I have thought that in all cases where offences had been committed, and the police were the prosecutors, the whole of those penalties might go to the fund, and that the payments for pedlars' licenses, and the endorsements of them, might also go to the fund. I know of no other payments which come into the hands of the police which could be appropriated for that purpose.

3327. Wishing to keep the fund self-supporting, as I understand you to do, would you see any objection to what has been spoken to by the last two witnesses, that the capital should not be trenched upon, but should be steadily increased by a per-centage of the income being added to it, and that in case of any deficiency during the years which might elapse before the capital became self-supporting, the expenditure should be made up out of the rates after you had applied all those funds?—So far as my experience goes, I would wish to see that fund placed upon such a basis that it should be entirely free of the rates. I can give you my reasons for saying that I am perfectly satisfied that in a borough like ours where the municipal body is changing, and where an appeal has to be made to the constituency every three years, the most unreasonable requirements are made of the candidates, and amongst others it is astounding to see the length they will go even with regard to the matter of the superannuation of the police.

3328. Have you had brought to your notice any dissatisfaction in the force with regard to the present way in which they are enabled to draw superannuation pensions under the Act?—I do not think there is any dissatisfaction in any other respect than this, that there ought to be no uncertainty at all about it; that the men ought to know, just as they know what they receive per week, that, as a consequence of good conduct, and the proper discharge of their duties, after a certain time, and under certain circumstances, they shall be entitled to, and shall receive their superannuation allowance.

3329. I understand you to say, as part of that idea, that there should be a fixed service with a fixed pension at the end of it?—Most undoubtedly.

3330. You think from your knowledge as connected with the watch committee, that that would

Chairman—continued.

be for the efficiency of the force, and therefore for the benefit of the town?—I have not the slightest doubt of it.

3331. And you would hold out, as an inducement to remain in the force, an absolute claim to pension?—I think so; I have been a large employer of labour, and I know that, if you make any bargain with a man, he is always scrupulously particular that that bargain shall be performed to the line and the letter. In his view, it is part of his compensation for service for a certain number of years; and there should be no doubt about it. The ratepayers outside ought not to be able to influence the question in the least.

3332. But that it should be entirely independent of the conduct of a man during his period of service?—Certainly, I think all these things should be dealt with at the time they arise.

3333. You think that the borough is sufficiently protected from the misconduct of the police, from the fact that the chief constable would discharge a man before the completion of his service, if he misconducted himself?—There is no doubt of it. With us the watch committee have control over such a matter as that.

3334. Therefore it would be only giving a certainty that if a man did conduct himself properly when he had done the borough a certain number of years' service, he would be entitled to retire from the service upon a pension?—I have not the slightest doubt that it should be so, looking at it from every stand-point.

3335. Have you also formed an opinion with regard to the amount that should be paid, and the number of years' service that it should be paid upon?—I have my own opinion upon that matter, and I think myself that 25 years is the least upon which a man could expect to receive so handsome a pension as is given.

3336. What scale should that be?—I consider that a man is entitled to two-thirds of the pay that he is in receipt of at the time that he is superannuated, and that is a large pension.

3337. How would you deal with pensions previously to 25 years' service; would you make any period of service entitle a man to a life pension of less than two-thirds?—If there is a pension given at all, it should be a less pension.

3338. Then should it be left to the present system upon which it would be necessary to have a medical certificate for ill-health before a man could get a pension at all, or should there be a period of 21 years, at which he should be able to claim half-pay, rising to the two-thirds which you have suggested at 25 years?—I think each case must be dealt with upon its own merits; it seems to me that in the case of men making a claim to leave before a specific time, the circumstances would vary so much that you could scarcely legislate upon the point.

3339. I think I understand you to say that you would leave the system to be dealt with as at present at the discretion of the watch committee with regard to all pensions previous to 25 years, but that after 25 years you would say that a man should be entitled to claim a pension of two-thirds of his pay?—Except as far as this goes, that I scarcely think the watch committee a right and proper authority to settle any point of the kind for the reasons I have stated.

3340. But

Chairman—continued.

3340. But that deals with another point, namely, the question of the authority; what have you to say upon that point?—I think that the Government do so much by way of supporting the police force throughout the country, and hold themselves responsible for the peace and quietness and good conduct of the country, that it would be better that a man should have some court of appeal open to him if he should feel himself aggrieved by the decision of the watch committee. I can give the Committee one instance of how the present system worked in Coventry.

3341. Did that occur at a time when you were a member of the watch committee?—Yes, I have been a member of the committee all along; it is with regard to the last case I mentioned, that of the man McDermott; he was appointed upon the 14th of June 1848, promoted to serjeant, 25th August 1863, and promoted to inspector on the 31st December 1867; his age at the time of his superannuation was 63, and his date of superannuation was the 7th December 1873; he was allowed from the superannuation fund 16 *s.* a week, and 20 *l.* as a gratuity from the borough fund. By the Act of Parliament he would have been entitled to a pension at 50 years of age, having paid under this Act of Parliament, the 11 & 12 Vict. c. 14, from the year 1848; some of us considered he was entitled to two-thirds of his pay of 40 *s.*, according to the Act of Parliament. The decision of the watch committee was that the whole of the money that he had received during the time that he had been in the police force should be formed into a total, which should be divided by the number of weeks he had been in the force, and whatever his average weekly pay was proved to have been, he should be superannuated upon two-thirds of that. Supposing that he had been superannuated strictly according to the Act, I might say the superannuation fund would have had to pay him more money than they did pay him.

3342. In fact, you think a man ought to be pensioned upon two-thirds of the rate of pay upon which he leaves the force, and not upon a calculation made of the average pay of his whole term of service?—I think that is the spirit and meaning of the Act.

3343. Upon that point, would you follow the present Act, and say he must have been a certain number of years in a particular rank before he could take a pension upon the pay of that rank?—That would be a matter of detail; I do not think that it would be right for men to be promoted one day and superannuated the next, or promoted one year and superannuated the next; I think it would be a proper provision that he must have been in that particular rank of the force for a certain length of time, or else that he must take the pay of the post he filled prior to that.

Mr. Torr.

3344. How many years' service in a particular rank would you suggest as a qualification for pension on the pay of that rank?—That is a question which I am hardly prepared to answer, but I should say something like three years would be a proper term to fix.

Chairman.

3345. That a man must have served in a 0.94.

Chairman—continued.

rank three years before he should be entitled to claim the pay of that rank?—That looks fair.

3346. If he had been superannuated after 25 years' service, and had been only one year as a serjeant, he could only take superannuation upon the rank of constable?—Quite so; I would not leave the door open to promoting a man for the sake of giving him an increased pension upon retirement.

3347. I do not think I asked you whether you would allow him to count service upon promotion to another force?—I would, undoubtedly.

3348. Seeing that his coming into the force is for the benefit of all parties?—For the general benefit of the country.

3349. Would you limit that to promotion from one force to another?—No; I do not see if a man has conducted himself properly, why he should not be removed if there were reasons for accepting him, and his removal were agreeable to both parties; we accepted our chief constable with about 19 years' service from Bath, and he came to us with the half of that.

3350. You think that he ought to come with the whole of his service?—I do, if a man has discharged his duties faithfully.

3351. I wished to know whether a man electing to leave the force and going into another, should carry his years of service with him?—I have heard that question put to a witness this morning; and if he is a good and efficient officer, and his services are desirable, I do not see why he should not be allowed to carry his service.

3352. Do you think that there would be no objection to that from the point of the efficiency of the force, dependent as it is on the men remaining in the force?—I do not see that point.

3353. Supposing you admit that the keeping of a man in the force is a good thing for its efficiency, and you allow a man to count all his years for superannuation from one force to another, might not that tend very much to increase the rolling-stone habit of the men of leaving forces for capricious reasons, and going into other forces?—I cannot see that it would; I have often thought that it would be a great advantage to us if something of the kind were done; if we could exchange men from the borough to the county, or from Coventry to Birmingham, or from Coventry to Leicester.

3354. That would be on promotion, but I mean with regard to enlisting men into another force?—It is entirely open to the watch committee to agree to it or not, and if both parties agree to it, I think it might be permitted.

3355. You think it might be extended to all cases of policemen changing their force?—I do, supposing the service to have been continuous, excepting from ill health.

3356. Do you think that there would be any hardship upon the ratepayers in extending the gratuities to children as well as to widows?—I think it would be a very proper thing; we have often wished we could do so upon our watch committee.

3357. Do you agree with the last witness in his opinion that a man should be allowed to capitalise his pension?—It is the first time I ever heard the idea broached.

3358. You have not considered that question? I have

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—I have not; I do not see any harm in that at the spur of the moment; if a man is entitled to a certain payment, as he is when he leaves, one does not see why he should not dispose of that. I presume a man could do it in ordinary assurance offices.

3359. Do you think it would be for the benefit of the borough itself that he should do so?—I do not think so; the calculation must be upon the average of lives, and I do not think the funds would be benefited by that. There might be a particular force which might be benefited, but it is a case that would occur very seldom.

3360. Is there any other point which you would like to mention to the Committee?—I should like to impress this point upon the Committee. From my experience, I think that the superannuation fund should be placed far above the control, in any shape or form, of the ratepayers.

3361. And after having laid down this fixed scale, you would give an appeal from the decision of the watch committee?—I think a man is entitled to it. I have given you an instance of a man who has been one of the best men who ever went into the force; he never had a word of complaint raised against him during the whole time that he was there, and yet he was not fairly superannuated. In that way I say that I think it is a gross injustice to the men. I do not think such men as those ought to be treated in that way.

Colonel Dyott.

3362. You spoke of taking all control from the ratepayers; I suppose you mean that the watch committee, being elected by the ratepayers, it is through the watch committee that the ratepayers may have some control now?—The members of the council are elected by the ratepayers.

3363. What you stated was, that you thought the police should be entirely free from any control from the ratepayers?—If I used those words I withdraw them; I did not mean that; I meant the sum he should be allowed on retirement.

3364. That is to say, that a police officer, so far as regarded his claim upon the superannuation fund, should be free from the control of the ratepayers?—Quite so.

3365. You stated very decidedly that it would give increased satisfaction if a man could claim his pension as a matter of right after a certain number of years' service. Now when a policeman has really deserved his pension at the hands of the watch committee, have you ever known instances in which he has not obtained that pension when the case has been brought before the watch committee by his superior officer?—I have given you one case where a man was receiving 40 s., and was superannuated with 16 s.; that, in my opinion, was a gross injustice.

3366. That is a question of amount; he had his pension granted to him, I suppose?—He had a pension of 16 s. a-week; in my opinion, that was not a sum which I thought ought to have been awarded to him.

Mr. Torr.

3367. You think he ought to have had a pension of 26 s. 8 d. granted to him?—Yes; there is no doubt about that; he ought to have had it.

Mr. Torr—continued.

3368. You say that if a man's pension was to be capitalised on his leaving, it should only be done upon the calculation of an actuary, the same as any life assurance calculation?—I said I presumed that it would be done upon that principle.

3369. Without fear or favour upon an actuarial principle?—At any rate it ought to be; I think any watch committee that did it upon any other principles would be doing it upon a principle upon which they ought not to do it, although at the same time no doubt they would do the best they could for themselves.

Mr. Gourley.

3370. Do you think that the cost of superannuation should be paid by the taxpayers generally, or by the ratepayers; should it be a charge upon the Imperial exchequer, or upon the local exchequer, such as the ratepayers?—I feel myself scarcely able to say, because one has not the requisite general knowledge and experience of other parts of the country, but my own opinion is that the ratepayers should have as little as possible to do with it.

3371. And if the charge was transferred now from the present source of the funds to the ratepayers directly, do you think that the ratepayers would refuse or object to pay?—The ratepayers do pay now; if there is a deficiency, the borough fund has to make up the deficiency.

3372. But the ratepayers have not been called upon in Coventry to make it good, have they?—They will be very soon called upon; there can be no doubt about that.

3373. Do you think that the ratepayers would object?—They have already shown their feelings upon that point at our municipal elections.

3374. What is their feeling?—They object to doing anything which would incur a charge upon the rates.

3375. You think it would be better, as far as your own experience goes, to make it a charge as it is now upon the fines, and so forth, which are being received by the police force?—I do; I think the less a policeman receives in the shape of a fee, or has to do with money at all, other than the money paid him in the way of wages, the better.

3376. Suppose you did not deduct this 2½ per cent., do you think you would be able to get men for less wages than you are now paying?—No; I do not think you would; the men would be quite content if the pension were certain at the end of their term of service.

Mr. Torr.

3377. Can you tell the Committee the date at which your fund was at its maximum?—I cannot; I did not think I should be asked that; I thought the Government would have all that information before them.

3378. You stated that for some years past the fund had been reducing. I wish to know if you have the particulars with you?—I have not.

Mr. Scofield.

3379. Have any of the police in Coventry been

Mr. *Scourfield*—continued.

been disabled within your recollection by injuries received in the performance of their duty?—Not permanently disabled; we had one man who was disabled for a considerable length of time; but he was a young man, and he recovered and went on in the force for a considerable time; he is now superintendent of police at Macclesfield, I think.

3380. Do you pay him anything now?—No; he left our service, and got that appointment; he was a detective with us. Whether it was Mac-

Mr. *Scourfield*—continued.

clesfield or Congleton that he went to, I do not know.

3381. With regard to continuous service between different forces, do you think that the ratepayers would be satisfied with having to pay part of a gratuity due to a man who had left another force, and come to them?—I have not a very high opinion of the ratepayers paying anything that they can possibly avoid; consequently they would not pay that cheerfully.

Mr.
J. Marriott.
28 May
1875.

Tuesday, 1st June 1875.

MEMBERS PRESENT:

Mr. Biddulph.
Mr. Fairfax Cartwright.
Mr. Cotes.
Mr. Cowper.
Colonel Dyott.

Mr. Grantham.
Mr. Leeman.
Mr. Scourfield.
Sir Henry Selwin-Ibbetson.
Mr. Torr.

SIR HENRY SELWIN-IBBETSON, BART., IN THE CHAIR.

Major JOHN JAMES GREIG, C.B., called in; and Examined.

Chairman.

Major Greig, C.B. 3382. You are Chief Constable of Liverpool, I believe?—I am.

1 June 1875. 3383. The strength of your force is, I believe, about 1,000 men?—The strength of our force is 1,100 men, and the other day a resolution of the watch committee directed that the force should be increased to 1,200.

3384. What contribution do the men themselves pay to the fund?—From $2\frac{1}{2}$ to $3\frac{1}{2}$ per cent.

3385. Is that contribution made under a local Act?—Yes, under a local Act.

3386. Do you mean that they pay, according to the ranks, a different per-centage?—Yes, the lowest constable pays $2\frac{1}{2}$ per cent.; I pay $3\frac{1}{2}$ per cent.

3387. What amount of contributions accrues to the fund from that source?—I see from a paper before me which I have prepared, that the contributions from that source, namely, deductions from pay, amount to 591 *l.* There are two accounts; to No. 1 account, 591 *l.*, and 1,759 *l.* 13 *s.* 6 *d.* to No. 2 account.

3388. How are those two accounts constituted?—The gentlemen who formed the fund and prepared the Act, found great difficulty in originating and framing what they submitted to Parliament, because of the great variety of age of the constables.

3389. Was that a result of the fund being created subsequently to the creation of the force?—Yes, the force was created in 1836, and in 1854 the Local Superannuation Act passed. All those constables who were on the force before 1854, belong to what is called No. 1 account, and as they were then the only men in the force, so now they are the oldest; No. 2 account comprises constables who joined the force after the passing of the Act, and the Act provided that No. 1 account should receive two-thirds of all the accruings for superannuation, and that No. 2 account should receive one-third.

3390. That is to say that two-thirds of all the penalties which are taken by the police as informers, go to No. 1 account?—Very little arises from informations.

3391. Will you kindly read the heads of contributions to the fund?—Deductions from pay, I have spoken of already; fines on constables and

Chairman—continued.

constables' fees for the service of summonses, and so on; magistrates' penalties for assaults on the police, and so on; and the Mersey Dock and Harbour Board. That is a peculiar item. The Mersey Dock and Harbour Board obtained powers to charge rents for goods deposited upon the dock quays in place of legal penalties inflicted for goods overtime, and this allowance is in lieu of the portion of such penalties, and is a yearly payment amounting to 466 *l.* to No. 1 account, and 233 *l.* to No. 2 account, showing the two-thirds, and the one-third. The sale of police clothing, sales of unclaimed property, unclaimed wages and salaries, and interest on capital; those form the total.

3392. All those sources of revenue, I presume, are dealt with in the same way; two-thirds are applied to No. 1 account, and one-third to No. 2 account?—Except the interest on capital; each fund gets the interest of its own capital.

3393. The capital accounts are kept separate also, are they not?—Yes, and also the deductions from pay are separate. What the constables who belong to No. 1 account contribute goes to No. 1, and what the constables who belong to No. 2 contribute goes to No. 2.

3394. Can you give the Committee the number of men of the force who belong to each of those separate funds?—All the force are in No. 2, except 68 men receiving addition to pay, and 76 not yet of age to come on; total 144.

3395. What is the total income derived from both funds?—The total income derived from No. 1 fund is 2,876 *l.*, and the total from No. 2 fund 4,256 *l.*

3396. Making a total of 7,132 *l.* as the total receipts of the year?—Yes.

3397. What was the amount of your expenditure during last year?—The total amount of expenditure from No. 1 fund was 4,590 *l.*, and 538 *l.* from No. 2,

3398. Making a total of 5,128 *l.*?—Yes.

3399. Then I see that the expenditure of No. 1 account is very much in excess of the receipts?—Yes; the No. 1 fund applies to the men who have served long, and some of whom were, six years after the passing of the Act, entitled to ask or require superannuation. The force was constituted in 1836, and the Act was passed in 1854, making a difference of 18 years, and there were no pensioners

Chairman—continued.

sioners except those hurt upon duty, or entirely worn out. They were not pensioned until six years had expired, because the Act rules that no constable shall be superannuated under 15 years' service. The authorities said practically to the constables, We cannot give you 18 years' service, because that would put you upon immediate superannuation, but we will allow those 18 years to count as half-time; so that those 18 years counted to all the old constables as nine only instead of 18.

3400. They counted, in fact, as if the constables had been promoted to another force under the Act?—They were allowed the nine years; then as 15 years was the shortest period for pension, they had to serve six years more before they could make 15.

3401. At present, you say, you keep your two funds distinct?—We do.

3402. You cannot tell me, unfortunately, the number of men who are chargeable to each fund?—All the force are in No. 2, except 68 men receiving addition to pay and 76 not yet of age to come on; total 144.

3403. The amount of the receipts of No. 1 fund is 2,876 *l.* with a capital of about 21,000 *l.* and an expenditure of 4,590 *l.*?—I find that the deficiency began first in the year 1867 when so many senior superintendents and constables had been pensioned off. At this moment the deficiency has run up to 1,714 *l.*, but that fund has a capital of 19,367 *l.* Whilst No. 1 goes down No. 2 rises; whilst No. 1 shows a deficiency of 1,714 *l.* No. 2 shows an increase for that very year of 3,718 *l.*

3404. Then can you tell me how many men there are still left upon the force who would be liable to fall upon the pensions which would have to be met out of the 19,000 *l.*?—There are 68 men receiving extra pay at this moment; I am one of them; and 76 not yet of age to come on, making a total of 144.

3405. That is to say, 68 men who were in the force before No. 2 fund began?—Yes, we get additional pay for extra length of service; there is a clause in the Act which says, that when a constable is ripe for superannuation, if he says, "I am willing to continue my services," the watch committee ascertain whether he is able to do so, and if they think he is able and willing, he gets an increase to his pay, but it is paid out of the superannuation fund. My own opinion is against its being paid out of the superannuation fund. A constable gets 20 per cent. to begin with in addition to his pay out of the superannuation fund; it runs down to 17 per cent., 10 per cent. and so on; I get 7½ per cent.; the higher the rank the less additional pay you get.

3406. There are 68 men, as I understand you, in the force who are at present taking extra pay out of that fund?—There are.

3407. Does that include the number of pensioners on the fund?—No, it does it not.

3408. What number are there on the fund?—Ninety-four; 68 constables receive additional pay; 76 are not of age yet; these are the entire of No. 1; total 238.

3409. There are 94 men already upon the fund, and 68 men who eventually will have pensions out of that fund?—Yes, that is so; I find in my return that the amount paid to those pensioners is 3,639 *l.*, and the additional pay is 1,116 *l.*

3410. Do you think that the present capital of the fund, with the annual increment which accrues

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Chairman—continued.

to it, is sufficient to meet the present pensions and the future claims which those 68 men may make upon it?—My own idea is, that in 10 years the capital account of No. 1 will be exhausted.

3411. Therefore that fund is not in a solvent condition?—No, it is not; it has been very frequently mentioned by members of the watch committee, and by the members of the force themselves, that if those two funds were amalgamated, the fund would be solvent.

3412. To lead up to that, I wish to ask you with regard to the No. 2 fund; at present its receipts are very much in excess of its expenditure, are they not?—They are.

3413. That fund was begun in 1854, I believe?—It was.

3414. Consequently it has had 20 years' draw upon it at present; do you think it has got the full draw that will come upon it in the shape of pensions from the men that are subscribing to it?—No.

3415. That is what I wish to call your attention to; at present No. 2 fund is a solvent fund, because I imagine the number of pensions upon it is small in comparison to the force that subscribes to it?—Quite so.

3416. That fund has only been in existence 20 years, but when it has been in existence a longer time than that, then, I suppose, a larger number of pensioners will come upon it?—Yes, when 30 years have been completed, because there are no men taken on the force under 22 years of age as a rule, and that would bring them to 52 years of age; no person could be pensioned from either one fund or the other under the age of 52, unless worn out or hurt upon duty.

3417. Then you think the fund No. 2 will continue increasing its capital account until it has arrived at 30 years of existence?—Yes, I do.

3418. Do you think that by that time a capital account will have been created sufficiently large to meet any future strain that may be thrown upon it from that part of the force?—I am afraid I am not actuary enough to say that; but when 30 years have expired, there will be a number of men come upon the No. 2 fund; but No. 1 fund is peculiarly placed; it will go on and get worse and worse till it gets to a certain point. No. 1 fund pays nothing but old men, and those old men must die, but as long as one man is living that fund gets two thirds of the income, and will therefore rise again from great poverty to solvency, and when there is no man left then what has been accruing upon No. 1 fund would be handed over to No. 2.

3419. That was why I asked you whether you thought the existing and future pensioners would swallow up the No. 1 fund in its present condition; because at present, as I understand, notwithstanding it receives two-thirds of the increment to income from different sources, still it is a steadily diminishing fund?—I should think it would have been completely applied in 10 or 12 years from the present time.

3420. Then coming to No. 2 fund, which has been only in existence 20 years, instead of 40 years, as the other one has, that is now solvent, but would that be in a state of solvency at the end of 40 years, which will place it in the same position with regard to age as No. 1?—I should hardly like to answer that question; but with regard

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regard both to No. 1 and No. 2, it is only one Act of Parliament.

3421. You have had a fund in existence for 40 years, which has had a certain increment of income, which is at present bankrupt?—It is in a bad condition.

3422. A fund which is drawing upon its capital yearly is in my opinion bankrupt; to a certain extent unquestionably it is. It is only a question of time how soon it will become absolutely bankrupt. Now you have a second fund which you say is solvent. I want to know whether you say it is in such a satisfactory condition that it will remain so?—The income can be calculated to a nicety almost; but by any untoward accident, such as the upsetting of a boat upon the river, with the river police, or any fire causing death, a great strain might be put upon that fund. However, in the general course of things I think it would remain solvent.

3423. Do you think when 40 years have elapsed, when it would be in the same position with regard to age as your No. 1 fund is, and when the number of pensioners have increased as they have in the case of No. 1, that it will still be in that condition of solvency?—It requires a good deal of calculation to say; it is a question rather for an actuary than for myself, with great submission, but I think it will.

3424. Then believing it will, do you think it is necessary to strengthen that fund at the present moment from other sources of income?—No.

3425. As long as it continued solvent, you would not think it necessary to add to the income of No. 2?—I would not.

3426. But with regard to No. 1, you would add to it, because you expect that at the end of 10 years it will be unable to meet the claims upon it?—Yes, I would.

3427. You stated that the men had a feeling that the funds No. 1 and No. 2 should be amalgamated?—It has been mentioned in general conversation; in fact, the trustees have passed a resolution recommending it. I have a copy of the resolution: "At a meeting of the trustees of the Police Superannuation Fund held on Friday the 21st day of May 1875, Richard Fell Steble, Esq., Mayor, in the chair,—Resolved, that in the opinion of the trustees it is desirable the superannuation fund accounts Nos. 1 and 2 should be amalgamated without prejudice to the present or prospective claims on either fund."

3428. You think there would be no prejudice to the No. 2 Fund if that amalgamation took place?—I am not quite sure that No. 2 would be as glad to receive it, as No. 1 would be to go to it.

3429. I think I understood you to say that the service of summonses were part of your supply?—Yes.

3430. And that you did not derive much from the half penalties?—No, very little.

3431. In strengthening No. 1 Fund, would you propose to strengthen it by any increase of those half penalties, or in what manner?—Looking to the sources from which the income is derived, I do not know which I would increase. The deductions from pay I would not like to increase, because the men would not like it; the fines upon constables depend upon conduct; the constables' fees amount to very little; the magis-

Chairman—continued.

trates' penalties I cannot affect; the Mersey Docks and Harbour Board contribution remains for ever the same; the sale of police clothing I could not increase; I do not know from what source I could increase it.

3432. Under the Act for drunkenness certain half penalties go to the police if they are informers?—That is very seldom applied; the magistrates do not encourage that the constables should receive any portion of penalties under the Licensing Act.

3433. The magistrates in Liverpool do not pass to the superannuation fund the half penalties which they have the discretion of passing under these different Acts?—Not for drunkenness; the magistrates want to keep the police exceedingly clear from having any interest in the committals or apprehensions for drunkenness.

3434. Do you agree in the feeling that those fines should not be passed to the superannuation fund?—I would prefer that the police should be quite clear of them; I should mention that there are certain payments made out of the superannuation fund which press heavily upon it. For instance, additional pay which, although it was not perhaps contemplated at the formation of the fund, is an inducement to constables to remain in the force so that they should not make a rush upon the pension. The widows again are a very large item. Since the fund commenced, a sum of 6,694 l. has been paid to widows.

3435. In the form of gratuities?—In the form of what is termed a compassionate allowance.

3436. Is that a gratuity of a given sum or a sum to be paid for a certain time?—It may be so much per week, and it may be a lump sum, as it is called; there is a strong feeling that in the case of firemen, who are policemen, being killed at a fire, the pensions to their widows should be charged to the fire rate, and if killed otherwise on duty, that they should be charged to the borough fund and not to the superannuation fund, because it is a very large figure; the watch committee found that the payments were very considerable upon that paper; I produce a later paper, upon which you will find they are very much reduced. (*The same was handed to the Committee.*)

3437. This is the year 1875?—Yes.

3438. This paper does not state the length of time for which the pension was granted?—No, it does not.

3439. Is it renewed annually?—The committee sit twice a year and determine the matter; they ask several questions, what are the circumstances of themselves and of their families, and so on, and then, if it is thought right, they renew the pension; they either give a lump sum or continue it at 10 s. or 12 s., and down to 8 s. per week or less.

3440. There is no fixed scale, as I understand?—None whatever.

3441. But it is left in the discretion of the watch committee to deal with those gratuities?—Entirely.

3442. And you would suggest that that charge, which is now a charge upon the superannuation fund, should be placed upon the borough rate?—Yes, when the men are killed or injured in the performance of their duty.

3443. Is there any other way in which you would supplement the income; would you supplement

Chairman—continued.

plement the income by fees for pedlars' licenses, as has been suggested?—For a pedlars' license the charge is 5 s., I think, and I think it would be well to appropriate it to the fund, but it would amount to little.

3444. That would be a service by the police which might fairly be placed to the account of the superannuation fund in your opinion?—I think so.

3445. These are the only sources which you at present see by which you could increase the income of the fund?—I can see no other.

3446. Have you any suggestion to make to the Committee to ensure, after these increments have been added, that the income should be still satisfactory?—No.

3447. Has there been brought to your attention at all the question whether by forbidding any drain from capital account, and by adding a per-centage from income annually to that account, you would gradually bring it into a position in which it might be self-supporting, whilst supplementing any deficiency for the annual expenditure out of the rates, so that the capital account should never be trenched upon?—I should rejoice to see that.

3448. You have never thought of that mode of dealing with the fund?—But I think of it now.

3449. With regard to the force itself, are the men, in your opinion, from what you know of the force under you, satisfied with the existing state of pensions?—They are not.

3450. Is there much dissatisfaction in the force?—No, they never do show dissatisfaction. I am quite justified in saying that I have never seen dissatisfaction in any shape; but in speaking of it, the men object to the age qualification.

3451. Are you aware what the men would suggest as an alteration of the present system?—The men are at present pensioned on their average pay. I think I could best show their case by taking the case of two inspectors, who were brought before the watch committee the other day. One joined in October 1839 at the age of 22. When he was superannuated he was 58; he reached a pay of 120 l. per annum. His average pay during his whole service is 30 s. 3 d. per week; he gets two thirds of that, which comes to 20 s. 2 d. I would ask the attention of the Committee to the fact that this inspector joins in 1839, while another inspector joins in 1854 at the age of 31, having served 21 years; they are both superannuated on the same day, and the man who served 35 years gets 4 d. a-week more than the man who served 21 years. The reason of that is that an average is struck of the whole pay received, and that the officers complain of very much indeed. The one man entered the service very early at 16 s. a-week, and he is borne down by that low rate of pay, which tells against him when the average is being struck. If that man had joined six years, or eight years, or ten years afterwards, he would have had a higher rate of pension, because the average rate of this pay would have been greater.

3452. Is the calculation upon the average of pay followed in all cases?—Yes, in all cases it is laid down by the Act.

3453. And the men complain that instead of taking the pay upon the rank they are in, after

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Chairman—continued.

a certain service they have all their pay in their various ranks put together, and divided by the term of service?—Quite so; the men think that it would be fair if the average was struck for the last 10 years of their service. They would, of course, still more like two-thirds of actual pay; but a man who has risen from the ranks into a higher position finds himself with that 16 s. and 18 s. affecting his pension very much indeed. Then another thing is, that if two men join to-day, one being 22 and the other 32 years of age, the 32 years' man has the advantage as long as he is in the service of ten years over the man who joined at 22 years of age.

3454. That is to say, he arrives at the age of 52 sooner?—Yes, and he arrives at the additional pay sooner; while the younger man continues to pay to the superannuation fund ten years longer. The older man comes 10 years sooner on to the superannuation fund than the 22 years' man does.

3455. And remaining a longer time at the lower rate of wage affects the younger man in the amount of his superannuation?—Yes, when there is a calculation made upon the average pay. The men think that if there is an addition made to the pay it ought to be calculated by service, and not merely by age.

3456. The men would rather have a fixed term of service, after which they might claim a pension, than the present system?—Yes, they do not ask to be pensioned till they have reached the age of 52, but they think they should receive the addition to the pay which I have spoken of for actual service, not because they are 52 years of age.

3457. Would you still preserve that system in your force, of additions to pay being taken into account?—Yes; but I should not charge it to the superannuation fund.

3458. You think it should be treated as pay, and not be chargeable to the superannuation fund?—That it should be treated as pay. It has the advantage of retaining men who would otherwise go or claim their pension.

3459. What scale of salary do you think the men suggest as an amendment in your force?—I think the rate of pension that we give is satisfactory, subject to the considerations I have named.

3460. What is the rate that you give at present?—From 5 to 10 years' service a man gets 20 days' pay for every year he has served; from 10 years to 15, one-fourth to three-eighths of the average pay; from 15 years to 20 years, three-eighths to one-half; over 20 years, one-half to two-thirds, and beyond that it does not go; it takes no notice of 30 years. The committee, with very rare exceptions indeed, give the full amount. There is an average struck, for instance, from half to two-thirds; the half is so-and-so, and the two-thirds so-and-so. The figures are submitted to the committee, and they say the man claiming has been a well-conducted man, with long service; we will give him every halfpenny we can; but, in a very few instances, where a man's conduct has not been satisfactory, they may give him the lowest sum, which they very rarely do, or they may go between the lowest and the highest.

3461. Do you think that scale would be satisfactory to the force with the simple alteration on the question of pensions, of doing away with the fixed age, and giving a fixed period of service?—

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The men think that their pensions should be calculated according to their service.

3462. Would you let a man calculate his pension upon the rate of pay of the rank he is in at the time he comes up for pension?—That would be an enormous boon.

3463. As I understand in forces where they do not take that average, they give a pension upon the actual pay of the present rank of the man, supposing he has been seven years in that rank?—That would make a very great difference to our force.

3464. Do you see any objection to giving a man the pay of the rank that he is in?—No, I see no objection; I see every good in it; in my view it must give them a larger pension.

3465. It would necessarily give them a larger pension than a pension calculated on the average?—It would.

3466. Now with regard to the efficiency of your force, do you think it would be of advantage to increase the superannuation pension in such a way?—Yes, I have no doubt it would.

3467. At present does your force change much?—Till very lately there has been a difficulty in getting men. Those men who have served in the force, and contributed during six, or eight, or ten years' service, think well of superannuation; but I think the young men entering the force never take it into their consideration; I think the prospect of superannuation with them amounts to almost nil.

3468. Do the changes take place in your force among the younger men?—They are all among the younger men.

3469. Do you think that a greater security with regard to pension would make any difference in regard to those changes?—If you made the pension very good indeed, men would leave the service to add some other employment to their pension, but I think that a little greater security would induce them to stay.

3470. But you state that the bulk of the changes take place in your force among the men who have joined recently?—Quite so.

3471. If the system of pensions were placed upon a basis more satisfactory to the men, do you think it would alter that condition of things, and be an inducement to men to continue in the force?—I do not think that the young men look upon the superannuation to any extent.

3472. You do not think it would make any difference with the short service men?—Not with the men of one or two or three years' service, but it would make a great difference in the senior ranks.

3473. But you have stated that men of long service are induced by the existing system of pension which is carried out in your borough, to remain in the force?—They are.

3474. The present law with regard to gratuities, allows you only to make those gratuities, I think, to the widow?—To the widow of a constable who dies while serving.

3475. It has been suggested to the Committee that that acted very unfairly at times, and that where there was no widow, but children left, those children were prevented taking the gratuity; would you see any objection to the law being altered in that respect?—The paper I have handed in will show that there are children who are provided for.

3476. Have you power under the Act to give

Chairman—continued.

gratuities to children as well as to widows?—Yes, under our local Act; at least, the committee take power to do it. I do not remember seeing it in the Act as to children, but the widows of men have a compassionate allowance.

3477. But supposing there is no widow, do they grant it to the children?—Yes, in most cases they take the children by the hand for a period.

3478. You would agree, therefore, with those who suggest that that should be made part of the general law?—I would.

3479. Have you considered the question of the counting of service as regards the changes between forces?—I have.

3480. What is your opinion with regard to the promotion of a man, and his carrying his years of service towards his superannuation?—I would not like it at all; I would not like a man to come from another force into mine with seven years' service, and claim to count those seven years.

3481. At present under the Act, he can claim half his previous service in the previous force?—Not with us.

3482. You mean, I presume, that you would not take him in?—The local Act does not touch upon that, as far as I know.

3483. You think it would not be desirable to allow a man changing from one force into a new one, to count the whole of his service?—No, for two reasons; his education and training may be different in the one force from the other, and then he would be bringing seven years' claim upon the superannuation fund.

3484. But he would be moving with the consent of both parties or they would not take him?—That would be so.

3485. But you do not see any reason to alter the law upon that?—I do not know what the law is.

3486. The law is that a constable on promotion from one force to another, should count half his back years of service in the old force, provided he has served seven years?—I should be sorry to be obliged to carry that out.

Colonel Dyott.

3487. Do you think that would be very bad for the fund?—Very bad indeed, and not much good for the public.

3488. Would you consider the principle a good one that men should receive an increase of pay from the superannuation fund whilst they are remaining in the force?—I think that the idea of giving them extra pay originated at the formation of the fund on purpose to induce men to remain in the service, instead of going, in a large number, upon the superannuation fund.

3489. I do not mean that the men do not deserve an increase of pay after long service, but do you think that the principle is a good one that the increase of pay, while the men are still serving, should be drawn from the superannuation fund?—No, I think it ought not to be drawn from the superannuation fund, and in the same way with widows whose husbands are killed. I think that the superannuation fund should not be charged with the allowances. I may repeat that the sum which has been paid to widows and children out of the fund is 6,694 l.

3490. Therefore the reason why this No. 1 fund is gradually becoming absorbed is, that men

Colonel *Dyott*—continued.

men are receiving their superannuations out of that fund whilst they did not contribute to that fund during the number of years that they were serving?—Quite so; they served nine years without contribution.

3491. There can be no wonder that the No. 1 fund should be becoming absorbed, whereas No. 2 fund, which has not to sustain a drain of that kind, is a flourishing fund?—Quite so; but the old men will die out and then all those accretments will go to No. 2 fund.

3492. When that arrives, No. 1 fund would be somewhat in a flourishing position as compared with No. 2?—Quite so; they will change positions.

Mr. *Torr*.

3493. How many active men have you in the force who will look to the No. 1 fund for pension; you say you have 68 men getting additional pay?—Yes, and 94 on pension, and 76 not yet of age come on.

3494. How many beyond 68 have you in the force who, as it were, belong to No. 1 fund?—Seventy-six.

3495. Have you ever formed a calculation how many men pass through your force in comparison with the number of men who become pensioners?—A very large number indeed in the

Mr. *Torr*—continued.

junior ranks do not remain long enough to become pensioners.

3496. How many do you suppose you have retiring from your force annually?—The numbers were, in 1874, 146; 1872, 248; 1870, 238; 1865, 311; 1860, 278.

3497. Have you any table to show that?—I have not; if I could have formed any opinion with reference to the questions which would be asked me I should have been very glad to have produced it.

Mr. *Fairfax Cartwright*.

3498. Supposing No. 1 fund to become exhausted, as you say it may do, to what other fund are those men to look for their superannuation, under your Act of Parliament?—That is not provided for by our Act of Parliament; it does not touch upon that, but No. 1 fund has an income of 1,500 *l.* annually from different sources, and they could borrow a certain sum upon the security of that 1,500 *l.*, and then No. 1 fund will, after a short time, very much revive, because, as I have stated, the old men will die out.

3499. But supposing the fund becomes exhausted, where are the men to get their pay from?—That I could not say.

Mr. GEORGE PEARSON WILKINSON, called in; and Examined.

Chairman.

3500. You are Chairman of the Police Committee in Durham, are you not?—I am not the chairman, because the chairman of quarter sessions is the *ex officio* chairman, but I very frequently act as chairman.

3501. Have you long been interested in the police there?—Almost, I think, ever since I was a magistrate; 21 years, more or less.

3502. Therefore you have had experience of the working of this superannuation fund in the county of Durham?—Considerable experience, I might say.

3503. Your fund, I believe, is one of those which at present is in a fairly solvent condition?—I think so; I should say it is in as solvent a condition as any in the kingdom, on account of the large population.

3504. I see from your return, that your income exceeds the expenditure by nearly double?—In 1874, our capital account was 24,171 *l.*, and our disbursements were 2,220 *l.*

3505. The amount of income of the year as compared with the disbursements was as against 2,220 *l.*?—Yes.

3506. Showing a large surplus of income over expenditure?—Yes.

3507. Has that been a steady increase of income over expenditure?—Yes, it did so happen; however, that year ending the 29th September 1874 was rather an exceptional year; wages had been extremely high, and the consequence was, that throughout the whole county we had, unfortunately, a great increase of crime; a great increase of drunkenness and breaches of the peace, and things of that kind; it was an exceptional year, certainly.

3508. Do you apply all half-penalties under the Act to the superannuation fund?—Yes; all that we are allowed.

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Chairman—continued.

3509. Your number of pensioners at present on the fund is 34, is it not?—Our pensions are 34.

3510. Your force was established in 1839, I think?—It was.

3511. And the fund almost immediately afterwards?—The fund was established in 1840.

3512. Therefore you have had a long experience of 34 years with regard to your fund?—Yes, we have.

3513. And it is still a solvent fund?—It is still a solvent fund.

3514. Have you any idea of the number of men in your force who are above 20 years' service?—I asked that question particularly, and I am informed that there are 13 between 20 and 25 years' service.

3515. Are there any above that?—There are only four over 25 years' service.

3516. So that there are 17 men in your force above 20 years' service?—Yes.

3517. And your force consists of how many?—Our force consists of 434 men, including our chief constable.

3518. Do you believe that there is any of this expressed wish for change in the system of pensions in the Durham force?—I think from conversation which I have frequently had with the superintendents who come before the two petty sessional divisions in which I act, that there is not perfect satisfaction with regard to the time at which they have such a claim as it is, which is no absolute claim at any time, I believe.

3519. Do you know at all what form the dissatisfaction takes?—The men think they ought to have a claim such as it is before attaining the age of 60. I have frequently conversed with them, and I have heard them say that if after 25 years'

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years' service, and attaining the age of 50, they had a sort of claim, such as it is, without requiring a certificate as to their being incapacitated, that would content them.

3520. Without a medical certificate?—Without a medical certificate.

3521. You think that the men would ask that they should be entitled to a pension on being recommended by the chief constable after a period of 25 years' service?—I think that would satisfy them.

3522. With your own knowledge of the police history, do you think there would be any difficulty in a change of the kind?—I do not think so.

3523. Do you think it would be any prejudice to the ratepayers' interest?—I do not think so. I do not think as pensions are at the present paid out of the superannuation fund, there would be any fault found by the ratepayers generally. If an alteration were to take place, and men were paid directly out of the rates from the superannuation fund failing then, I do not know what the ratepayers might say.

3524. But as long as there was a fund in existence, you think that the change would not be prejudicial?—I am quite of that opinion.

3525. Do you attach importance to it as the means of retaining men in your force?—The greatest possible importance. I am quite certain, from seeing what I have seen of the men who join, as a member of the police committee, that the men are deterred from joining because they have their doubts about the pension; they think that probably, from some cause or other, they might have to leave without having such pension as would make the service more desirable.

3526. And you think that the certainty of the pension would tend to the efficiency of the force by, in the first place, getting recruits more easily, and then by retaining them when recruited?—I am quite of that opinion.

3527. Have you sufficiently considered the subject as to have made up your mind as to what scale of pensions you could recommend as attaching to retirement, after 25 years' service?—Of course those who remained a longer time in the force I would give a pension to, upon a higher scale, such as two-thirds of their yearly pay; of course, those who left a little earlier, say, five or ten years earlier, I would say, should not be entitled to so high a retiring pension as those who continued in the force.

3528. Do I understand you to say that you would lay down a scale of pensions from which a man should take his pension at an earlier date than 25 years' service?—Yes, I think I would.

3529. You would not leave the present system in force that, prior to 25 years' service, it should require a medical certificate of injury, or ill-health, to entitle a man to a pension; but you would establish a fixed scale upon which he should take a pension, say, at 15, 20, and 25 years?—I would prefer a fixed scale myself; and I think it would give more satisfaction to the force.

3530. Working up to two-thirds of their pay at 25 years' service?—Yes.

3531. Have you thought whether there should be, with regard to that term of 25 years, a fixed sum of two-thirds, or whether there should be a maximum and minimum sum, within a small range, within which the magistrate should have

Chairman—continued.

discretion?—I cannot say that I have given any particular attention to that point, and I should like to have considered it before I gave an opinion upon it; but I think that if it were left to the discretion of the magistrates, they would probably arrive at a right conclusion upon the matter.

3532. Upon the point of the gratuities given to the widow upon the death of the constable, you are aware of the present Act?—Yes, perfectly.

3533. Do you see any reason for changing that?—Not the least. I think that acts very well, as far as I know.

3534. You would not extend it to the children?—I would not.

3535. You do not think that that which has been stated as a grievance on the part of the men is one which has been expressed in your force?—No, I never heard it expressed, or heard that it struck any member of the quarter sessions that it was desirable, or needful, at least.

3536. There has been another suggestion thrown out with regard to those shorter terms of service, before a man comes to 25 years of service, that when he took a pension he should be obliged to report himself periodically for the continuance of the pension granted; do you think that would be an advantage or the contrary?—I have not given that matter any consideration. I would not like to say anything that I have not thought about; that is more a matter for the chief constable, perhaps, than for the magistrates.

3537. You think the feeling of dissatisfaction, whatever it might be, which is said to exist in the force, would be met, and met advantageously, by the change you have suggested?—I certainly think it would.

3538. Is there any other point that you would like, from your experience, to submit to the Committee, with regard to the superannuation fund?—Not with regard to the application of the superannuation fund; but I have been always looking forward to the time when these superannuation funds would fail, although, possibly, the county in which I live might be the least likely to do so; but still one must consider how the superannuation fund should be supplemented.

3539. Have you considered that point with a view to supplementing the fund in any way?—I should advise that the remaining moieties arising from fines and penalties, and also from fees, should be, if possible, applied towards the fund, so as to lay by for a time which might come when this superannuation fund should fail.

3540. I suppose you have made no calculation in regard to the amount that would be required per head of the force for the capital account?—I think not. I think the ratepayers would feel it more if, in the event of the superannuation fund failing entirely, they had directly to apply the rates towards the payment of the pensions than they would feel the loss which accrued from the abstraction of the moieties from the county rate.

3541. They would not feel the withdrawal of those fees, which at present go to the rates, as much as they would the direct charge which might ultimately come upon the rates?—That is what I mean; that it would touch the ratepayer more nearly, or he would feel it more acutely if from

Chairman—continued.

from time to time he had to contribute towards the superannuation of a deserving officer.

3542. You think that although your fund is in a flourishing condition, it would be desirable to apply certain sources of revenue to its maintenance, in the event of a rainy day coming?—I am strongly of that opinion.

3543. In the event of their being permitted to be so applied, would it not be necessary to apply to the Secretary of State, or somebody to empower an alteration of that application when a fund showed itself to be self-supporting?—That would be necessary. I think that should be done.

Mr. Cotes.

3544. Do you know the strength of the force when it was originally founded?—I am afraid I can hardly answer that question; it was before I was in the commission of the peace.

3545. Have there been large additions made lately to the force?—There have been large additions lately made, owing to an increase in crime during the last four or five years. We have had to increase the force three several times during the last fifteen years, and also in consequence of the high rate of wages during the last seven years we have had to increase the pay of all grades of our men three times.

3546. Do you know at all what increase there has been in the force during the last ten years?—I am afraid I could not answer that question; but the force has been very materially increased during that time.

3547. Then, in point of fact, you are receiving contributions from a larger number of men, and the pensions go to a very much smaller number comparatively?—Yes; 750*l.* was the contribution by the members of the force during the last year.

3548. But in future, owing to the increase of the force, you would have a much larger number of pensioners?—Of course, we must look for that.

Mr. Torr.

3549. Did I understand you to say that you would allow a pension after 20 years' service?—After 20 years' service I would allow a pension at the rate of half a man's pay.

3550. And at 25 years?—Two-thirds.

3551. From 25 to 30, what would you give?—I do not know that it would be possible to extend it beyond two-thirds; I would not go beyond the two thirds.

Colonel Dyott.

3552. With regard to this question of commencing pensions at 15 years' service, you would recommend that a man should have a claim after 15 years to a certain pension, gradually rising up to 25 years' service, when the rate should be two-thirds of his pay; in the first place, do you think it would be satisfactory to find young and able-bodied men in the receipt of pensions, because, supposing they entered at 25, they

Colonel Dyott—continued.

would be only 40 years old when they might begin to draw pension, and you might have younger men enlisting than those of 25 years of age?—We do take them in at 22.

3553. Then you would have men under 40 years in the receipt of pension. Do you think it would be satisfactory to the county, and to the ratepayers to see young and able-bodied men drawing pensions out of the rates?—Whether it would be satisfactory to the ratepayers or not, I do not know, but it would ensure our getting a better class of men into the force and retaining them, and I think, as I said before, the ratepayers at present do not feel it at all; but they would feel it acutely if they had to pay pension after pension out of their rates. I am sure it would be very annoying.

3554. Have you made any calculation whether under such a state of things the superannuation fund would be able to sustain it; we know that in your county the fund is in a flourishing condition, because very likely the force and the fund were created very much at the same time?—Within one year of each other.

3555. Under the present state of things the fund is flourishing, but under the state of things that you propose, that is to say, beginning to pension men at 15 years' service, and gradually going on, have you made any calculation whether the fund would be able to sustain such a system as that?—I think that if such an application were made, as I have suggested, of the fines, penalties, and fees, and as I would also suggest, if what is paid now under the Pedlars and Hawkers Act, the work of which is entirely done by the police force, were likewise paid to the superannuation fund, making a very large addition, I should then be under no apprehension of the superannuation fund failing, although I would allow the pensions (of course I am speaking only for myself) to apply at that early age.

3556. I suppose with regard to these pedlars' licenses, a pedlar goes to the police, and says "I want a license, will you get it for me?"—Quite so.

3557. To whom does that money go at present?—It goes to the county rate at present.

3558. I suppose it is very much the same thing, whether it goes to the police rate or the county rate?—I suppose it is because eventually the police are partly paid out of the county rate, but these certificates are altogether looked after and distributed by the police.

3559. The policeman hands over the money, and the money passes to the police rate?—Yes; he hands it over to the county rate.

3560. He hands it over to the chief constable, and so it goes either to the police rate or the county rate?—Quite so.

3561. You have not calculated whether that fund would sustain the drain that may be made upon it?—My own opinion is that it would, if these additions are made which I have suggested as being desirable.

Mr. Wilkinson.
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Mr. JOHN BISHOP, called in; and Examined.

Chairman.

3562. I THINK you take an interest in the Police Committee of Carmarthenshire?—I do.

3563. Have you been long working upon that 0.94.

Chairman—continued.

committee?—About five or six years, or perhaps a little more.

3564. Have you, during that time, at all had your

Mr. Bishop.

Mr. Bishop.

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your attention called to this question of the superannuation of the police?—The only way in which we have had our attention called to it in our county is as a matter of congratulation that the fund is so large. I can hardly say that I have considered it in any other form.

3565. Your congratulation arises from the fact, that your fund is so large, and your expenditure so small, at present?—Quite so.

3566. Your force was created in 1843, I believe?—It was.

3567. And the fund in the same year?—Yes.

3568. So that really you have had sufficient time to test the working of your superannuation fund?—Yes, as far as time is concerned, we have.

3569. Your number of pensioners at present is only one, is it not?—It is.

3570. Out of a force of 54?—Yes; about that.

3571. Since you have taken an interest in this matter, has that been the number of pensioners generally, or is it only accidental that there is only one pensioner at present?—We have had very few pensioners, and I think that the whole sum which has been paid out of the fund altogether, does not exceed 1,000*l.* since it has been created.

3572. How do you account for that; is your force a changeable force which men leave?—That is one way of accounting for it; but I think our chief constable has been particular whom he recommended, and how he recommended any person to be superannuated, and to be chargeable to that fund.

3573. Do you mean that after the men were 60 years of age he was particular in recommending them?—No, I cannot say that.

3574. You mean as regards recommending them upon certificates?—Yes, I do not think he encouraged that system.

3575. He did not encourage men leaving the force on medical certificate, and being recommended for pension?—Quite so.

3576. Are you aware whether there is any feeling in the force with regard to the present system or a wish to change it?—Of course I am not myself acquainted with what the policemen say; but I have made inquiries, and I understand there is.

3577. Do the men of your force agree with other forces in wishing to change from an uncertainty to a certainty?—They do, and curiously enough they are all pretty unanimous about 25 years' service being the term which should entitle them to superannuation.

3578. Do you know the scale upon which they suggest that the pension should be claimed?—No, I have not gone into that particularly.

3579. Do you think such a change would be advantageous or otherwise to the force; have you considered that point?—I consider if you give a certainty of a pension, and do not put it off too far in advance of the men who join, that it is an inducement to join the police force, and to remain in it to earn that pension.

3580. You think that it would be an inducement to remain in the force, which naturally would increase the efficiency of the force?—Quite so.

3581. You could not say whether at present your force changes rapidly or not?—I can hardly say, but I can tell the Committee from a return

Chairman—continued.

I have, what the number of men is who have been with us beyond 20 years' service; it is not a very large number; from 15 years to 20 years, nine men; from 20 to 25, one man; from 25 to 30, three men; and over 30, two men.

3582. Therefore you have 15 men over 15 years' service?—That is so.

3583. And therefore you do not look forward at present to any very large drain upon the fund?—No, I made inquiries with reference to that, and the chief constable reports that he does not expect in 10 years to have more than 10 men upon that fund. I do not know what their particular grades would be.

3584. I suppose that, looking at the number of men who have fallen upon the pension list up to the present time, he thinks that would be the number of men he would be likely to have in future?—Yes, and regarding the number of men he has over 15 years' service.

3585. Under these circumstances, I suppose you are satisfied with the existing state of your funds?—No, I am not quite sure that I am. I consider that the amount of money which we have, which altogether brings us in an income of 380 *l.*, with the penalties and the other additions, would hardly be enough if there was a run made upon the fund, which there might be, at any time.

3586. You think your capital is not large enough to be a permanent sustentation of your fund?—No; I think it is desirable that it should be larger.

3587. Can you suggest how it might be strengthened?—Yes, I agree with the other witnesses that it would not be undesirable to give the whole of the fines, instead of the moiety, which are at present inflicted for drunkenness and assaults, and other offences.

3588. Have you thought of other contributions from the service of summonses and the execution of warrants?—I have had a return sent to me of the sum of money it would come to, but I do not see why if the police actually earn the money, and it would relieve the rates, they should not have it.

3589. You think that that sum, which is nearly three times, as I see by the return, or rather more than three times, the amount of the fines you received from penalties, might be fairly applied to the increase of your capital fund?—I should hardly like to go quite so far as that. I see no objection to all fees and fines going to the fund, but I am not certain upon the matter.

3590. You feel uncertain about the future of the fund, and you feel that it should be supplemented?—I do.

3591. From a ratepayer's point of view, do you think there would be much feeling expressed in case of such alteration being made that instead of the half penalties and the fees being applied to the county rate, they should be applied to the superannuation fund?—No. I quite agree with the last witness that it comes more lightly upon the ratepayers, if you take a little from the rates every year, than if you came upon them all at once, and asked for a very large sum when the fund is exhausted.

3592. You think the ratepayers would not object so much as if it was a direct charge upon the rates?—That is practically my opinion.

3593. Practically it is a direct charge upon the

Chairman—continued.

the rates, although concealed in this way?—No doubt it is; it is as broad as it is long.

3594. Do you think it is to the advantage of the force that such a fund should stand between the ratepayers and the police?—I think it is.

3595. And that a man is more likely to have his pension considered liberally under those circumstances, than if there was an annual fight over it?—If there was a possibility of an annual fight, it would undoubtedly be better to avoid its coming upon the rates.

3596. There is no doubt that that question is constantly being raised in boroughs?—No doubt of it.

3597. You would, therefore, recommend that the funds should be increased, and you would recommend also, for efficiency's sake, that an alteration should be made in the way in which pensions are at present granted?—I would recommend that.

3598. Following in that respect a recommendation which you say is made by the force, that it should be made a pension after a certain number of years' service as a right?—Quite so; perhaps there might be a modification whether it ought not to be upon the recommendation of somebody, or that the Quarter Sessions might have some control over it, because a man may misconduct himself very badly in the last few years of his service, and be unfitted for a pension.

3599. As I understand, the men themselves only claim that it should be a pension for 25 years' service when they are still in the force, and consequently that objection would be met by the fact that the discipline of the force would keep out the bad men?—That would meet the point, no doubt.

3600. Have you any other suggestion to make to the Committee?—No; I do not think there is anything; the Committee have had evidence upon other matters; I agree with some, and disagree with others. The only thing that I would like to recommend to the Committee is, that if they make a fresh Act of Parliament, I should like to see all the former Acts repealed, and put into one Act.

3601. You agree with a great many other people; you do not like having to construe a great many Acts?—Not only that, but these Acts are very few in number, and some of them

Chairman—continued.

only amending portions of others, and it would be a benefit to the statute book, and to everybody connected with the subject.

3602. Have you considered that point, about which I have asked the previous witnesses, with reference to men being allowed to carry their service from one force to another?—Yes; I think it is quite fair to everybody that if the county to which a man belongs agrees that he should be taken by another county, who wants his services, his full time should go with him; it is for them to determine in the other county whether they would accept him with that burden, and whether he is such a deserving officer that the employing county think he ought to get promotion.

3603. In fact, where he is a deserving officer, and taken with the consent of the parties, it is fair to take him with his service?—I think not.

Mr. Torr.

3604. You do not know, probably, how many pensioners you have had upon your fund since 1843?—No; I cannot tell you that; I can only tell you the sum which has been abstracted from it, and that has been 1,000 l.

3605. You consider your fund will be for some years to come in a solvent condition, do you not?—I do; I may mention that I rather agree with the idea which has been suggested, that some periodical inspection of pensioners might be advisable, because sometimes a man recovers much more rapidly than was expected at the time the pension was given.

Chairman.

3606. You would suggest that when a pension is given for a short period of service upon a medical certificate, it should be only for a time, and that the man should come before the committee again, in order that the pension should be continued if his state justified it?—Yes, I think so; I also see no objection that the children of constables should get the same advantages as the widows do.

3607. You see no objection to extending the present law, to allow children, I suppose, under a certain age, to participate in the benefit?—Yes, under 16 years of age, or whatever might be thought desirable.

3608. And taken in the same way as widows of constables killed in the service?—Quite so.

Mr. WILLIAM FARR, M.D., F.R.S., called in; and Examined.

Chairman.

3609. You are the Superintendent, I think, of the Statistical Department of the Register Office?—I am.

3610. And you have paid, for some time, I believe, great attention to these superannuation funds?—I have. I was first examined by a Committee of this House upon the superannuation of the Civil Service. I afterwards reported, at the instance of Sir George Lewis, upon the Metropolitan Police Fund.

3611. That was in 1862, was it not?—That was in 1862, and in 1866, by instructions from your predecessor, Lord Northbrook, upon the county and borough police; those reports are, I believe, in the hands of the Committee.

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Chairman—continued.

3612. From the metropolitan inquiry there was ample data obtained from books, was there not?—Yes, the books had been kept very fairly at the police office, and I had clerks who got all the information that was required for determining the question submitted to me.

3613. Had you the same data to go upon with regard to your reports for counties and boroughs?—I had not. I found it was impossible at the time to get the information required; certain returns were procured by the Home Office, which I had the advantage of studying, and I have embodied the greater part of them in the Appendix to the Report.

3614. Each fund, I suppose, is constituted separately?—

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Dr. Farr.

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Chairman—continued.

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separately?—Yes, quite so, independently of the others; one might be flourishing, and another insolvent.

3615. So that to form any calculation, you would want the actual data from the different forces?—Quite so; it is absolutely necessary; it is like the Friendly Societies data, which are applicable to each society, and which are absolutely necessary in order to deal with each society.

3616. Do the same requirements apply to boroughs?—Yes.

3617. Are there as many discrepancies in the calculation with regard to boroughs as with regard to counties?—There are very great differences with regard to boroughs; on the whole, the boroughs get larger contributions, from a variety of sources, than the counties, but there are the greatest possible discrepancies. To give an instance of that, I showed that the rate of pensions was about 31*l.*, to produce which 8*l.* a year was required, or 38*d.* a week.

3618. That is to say 8*l.* a man?—Yes. The contribution levied or procured in three Yorkshire boroughs were these: Sheffield 15*l.* 8*s.* 3*d.* per man; Hull 3*l.* 19*s.*; and Leeds 2*l.* 3*s.* I make this comment on Sheffield: "The Sheffield fund was founded in 1860, and it has already an accumulated fund of 14,805*l.* The average strength consisted in the year 1864 of 203 men" (according to the inspector's return of 231 men), "and the income of the fund, exclusive of interest, was 3,129*l.* Of this sum no more than the due proportion is drawn from stoppages (228*l.*), while 2,727*l.* comes from 'fees.' By making the total contribution about 15*l.* 8*s.* 3*d.* per man per annum, or 5*s.* 11*d.* a week, the founders of the Sheffield fund showed a lively appreciation of the liabilities they were about to incur. They will have a large surplus in their fund if the present rate of contribution be maintained." That is true of Sheffield; that is of one of the funds. Then there is the Liverpool fund, upon which you have been receiving evidence this morning. I mention that as having revenue from exceptional sources, such as the income they derive from the Mersey Dock and Harbour Board. Sheffield is, no doubt, amply provided with funds to meet all its requirements; but both Hull and the large city of Leeds, for instance, must be quite inadequately provided for; it is impossible for them to provide the same pension as the other boroughs for the small sum that they contribute per head.

3619. Can you at all account for the difference in the Sheffield case from the other boroughs, considering that the same funds are applied to maintain each?—I have a detailed return to some extent brought down to a certain date. This is precisely a case upon which the Committee might ask for more recent information than I can supply in this report; but I have something about Sheffield, which I will read. This is the information about the Sheffield Fund for 1864: Their contributions from pay were at the rate of 2½ per cent., the same as the others, amounting to 228*l.* a year; 44*l.* 9*s.* were the deductions from the police for sickness; 17*l.* 5*s.* were fines on constables; 41*l.* 15*s.* fines for assaults and drunkenness; and 70*l.* 9*s.*, moieties of penalties, paid by offenders, I suppose; 443*l.* was the in-

Chairman—continued.

terest of money invested, and 2,726*l.* 17*s.*, receipts from other sources.

3620. Those were principally, I suppose, from fees earned by constables?—I could not exactly learn their source, but they were partly from fees. I learnt that they augmented the fees in various ways in different boroughs by delivering papers and various things, and that those fees were thrown into the fund. I could not state the source of them, but this is a return supplied to the Home Office.

3621. I wish to call your attention to Question 1783, which I put to Mr. Jackson, the chief constable for Sheffield, in answer to which Mr. Jackson states he attributes the success of the fund to the fact, that during the period of its existence it has had as much as 32,000*l.* odd contributed from that source, that is to say, fees earned by the police; that is a fund which any borough can apply under the Act, although the counties cannot; and what I should like to ask you to look at, is the position of Sheffield, and tell the Committee why a force of that size, applying those penalties, and another force equally applying them, work out so totally different?—I suppose the system of levying fines must be totally different in these boroughs; I do not see why Sheffield should get fines to such a large extent, when other boroughs do not get those fines; but upon that matter I cannot give evidence.

3622. Under those circumstances, it does not seem that any general application of those fines would bring about any general uniformity as between the funds?—I do not think so; I do not think there is uniformity either in imposing, or collecting, those fines from what I have learnt.

3623. Would you suggest that the Committee should procure any information of this kind with regard to those particular boroughs?—I would respectfully suggest that the Committee should procure the Returns which were before procured by the Home Office, and some other Returns which I should be very glad to suggest, with permission, which would enable anyone to determine pretty nearly the state of each fund; it requires some consideration to draw up the form of a Return such as people could reply to.

3624. But you think that in order to get a statistical judgment with regard to the solvency of these particular funds, further information would be requisite?—It is indispensable. The Committee will see that there are such differences in the funds, and that they are and must be under such different conditions, that upon that ground alone you require separate information from each county and from each borough.

3625. But there are, surely, certain general principles attaching to all those funds?—There are; the contribution from the police is rated on their salary; and then their pension again seems to proceed on nearly the same general principle throughout; it appears to have been based upon the metropolitan fund, which failed so completely.

3626. The average county pension, I think, is about 30*l.* per head?—It was.

3627. You have no knowledge of what the average would be now?—No; I think it would be more than 31*l.*

3628. How was that average of 30*l.* in those days

Chairman—continued.

days made up?—It was made up by dividing the pensions enjoyed by the number of the pensioners.

3629. How did you arrive at the average of 30 *l.* per man as the pension?—I had the return of the number of county pensioners; I found the number was 236, who received 7,110 *l.* in the year, or, upon an average, 30 *l.* 6 *s.* per man. This is rather less than the metropolitan average pension, but the county pension will probably increase.

3630. The metropolitan average was over 31 *l.*, was it not?—It was 31 *l.* 8 *s.* in 1860.

3631. Can you state the amount per year which would be required to pay that pension?—The amount required would be 8 *l.* and some shillings per annum, or 3 *s.* 2 *d.* weekly, and to provide the gratuities another 1 *d.* per week. You will see at once that the gratuity plays an inconsiderable part, inasmuch as constables are only entitled to gratuities for from 5 to 15 years' service, which are provided by the very simple contribution of 1 *d.* a week; it is the pension that pulls down the fund.

3632. You say that in order to provide an average pension of 30 *l.*, it would require an annual payment of about 8 *l.*, or a little over?—Yes; 8 *l.* 10 *s.* 3 *d.* would be necessary to provide the pensions and gratuities to be claimed upon the metropolitan scale, which is generally adopted both in counties and boroughs.

3633. And that scale you have given in this report?—Yes.

3634. It comprises gratuities from 5 to 15 years' service, and pensions after 15 years according to a scale?—Quite so.

3635. That scale rose to a period of service of 33 years, did it not?—I proposed that it should rise to 33 years. I have the original scale somewhere, but I cannot turn to it at the moment.

3636. Was that the scale adopted?—The scale in use upon which the fund became insolvent was a very liberal scale; it ran from half-pay up to two-thirds.

3637. Half-pay from 15 years' service?—Yes.

3638. Rising by scale till it came to two-thirds of the pay?—Yes, after 20 years' service, up to the year 1849; subsequently, after 24 years' service.

3639. And to produce that amount of pensions a contribution would be required of the amount you have mentioned?—Quite so.

3640. What proportion would 2½ per cent. bear to the full amount?—The 2½ per cent. bore a very small proportion indeed; it amounted to 5 *d.* a week, and the contribution from all sources came to 10½ *d.*

3641. Whilst the amount necessary to make up the 8 *l.* would require something like 3 *s.* 2 *d.* a week?—Yes, or 3 *s.* 3 *d.*, if you include the gratuities.

3642. So that, in order to make a solvent fund, the 3 *s.* 3 *d.* would have to be made up from other sources?—Yes, that was upon the old pension system, which carried off the men at very early ages.

3643. I suppose the nature of all these funds is, that for a certain period, they are receiving income, and then comes a time at which pensions begin to tell upon them until you get the full amount of pensions in proportion to the number of men?—Yes, that is so.

3644. Can you give the Committee any idea of how that rate would work out?—I might per-

Chairman—continued.

haps mention the metropolitan experience as illustrating the working out of that scale; the metropolitan fund laboured under some disadvantages which the counties do not; that pension fund was instituted in 1839; the men had not contributed up to that date, so that the ruin of the fund was precipitated by the want of the early contributions of the men in the service.

3645. In fact, the early service men come quickly upon the fund, whereas there had been a period of years during which there had been no fund collected?—There was no accumulation, and the principle of this fund is, that the interest of the accumulation must for the future eke out the contribution. Then, as there was no contribution in the early years, the amount of accumulation was of course much less. The metropolitan receipts in the first years were 3,000 *l.*, 11,000 *l.*, 10,000 *l.*, and so they went up to the seventh year 12,000 *l.*, and the payment out of the fund began by being nothing; the first year was 109 *l.*, the second year 1,000 *l.*, the next year 1,500 *l.*, the seventh year 7,700 *l.*, and the eighth year 8,800 *l.*, and in that year the payments exceeded the pensions by 1,400 *l.*, but in the ninth year the payments amounted to 11,000 *l.*, and the contributions came only to 10,600 *l.*

3646. But that was hardly a fair test, because as you have just said, the tenth year was only the tenth year of the contributions, whereas the ages of the men dated from an earlier enlistment?—That precipitated the ruin of the fund, and it ended in 21 years in this state of things, that the receipts of the fund were 13,000 *l.*, and the pensions 53,000 *l.*, so that the excess of payments over receipts was 39,000 *l.*

3647. That has gone on, I believe, to the present day?—Yes, it has.

3648. I believe the excess of pensions over income at present is something between 70,000 *l.* and 80,000 *l.*?—Yes; I have this last report, in which I see that the number of superannuations on the list on the 31st of March 1875, was, as I predicted it would be, 2,807; that the amount of pensions came to 110,152 *l.*, while the gratuities to 54 constables were only 2,555 *l.*

3649. Can you give the Committee any idea as to what number of men would be the ultimate drain in the way of pensions in a force of 100 men?—Yes; I am speaking now of the metropolitan police as an illustration; the proportions will only hold when the pension list is full; there will be 3,275 pensioners, of whom 2,219 will be under the age of 60, to 6,000 effectives; thus the proportion of pensioners to effectives will be nearly as one to two.

3650. What period of years will it take from the establishment of a force to arrive at the maximum depletion of the fund in the way of pensions?—About 55 or 60 years.

3651. You think that after a force has been established about 55 or 60 years, you would then arrive at a position when one-third of your strength would be on the pension list?—Yes; on the system in operation of granting pensions when the metropolitan police force was investigated.

3652. Have you at all considered what difference would be made by a change, such as that which has been suggested to the Committee, of a fixed pension granted upon a fixed period of service; supposing a pension were granted after 25 years' service, at the fixed rate of two-thirds of the pay; have you at all considered whether that would

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Dr. Farr.

Chairman—continued.

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3653. It would bring men early upon the pension list, would it not?—I think it would have the effect of bringing them early upon the pension list. A certain number of them enlist between 20 and 25 years of age. Those who enlist at 20 and 25 would be 45 and 50, for instance, respectively, after that length of service.

3654. Supposing the men claimed their pensions as soon as they became entitled to them, that would create a great drain upon the fund?—Yes; they did manage in the metropolitan police to get their pensions at a very early period; as soon as they were entitled to a pension equal to half their pay, or two-thirds of it, the greater part of them managed to get off in some way or other.

3655. You mean they left as soon as they were entitled to pensions at all?—Yes; although they were not entitled to leave until they were 60 years of age; but there are various ways in which they manage to get their pensions earlier. I saw 1,800 of them mustered in Scotland Yard to be paid, and some of them were very fine men, and getting very good wages.

3656. Could you suggest to the Committee any scheme by which the county police superannuation fund could be supplemented, so as to meet such a demand as you have pointed out, might fall upon the fund?—The fines and income from other sources might be thrown into it; but I think the best way would be, not to have a separate fund, but to throw all funds into the common fund of the county or the borough, and then to pay the pensions as you pay the wages, for pensions really are deferred wages.

3657. In fact you would go to the simpler form of charging directly upon the rates the pensions of the superannuation fund?—It might be thought necessary to put that upon a settled scale.

3658. To protect the police you would lay down a fixed scale upon which those pensions should be granted?—I would. I think the Committee should consider the scale and make it universal. There would be a sense of injustice in the several boroughs if the men felt that they were not receiving the same pension.

3659. Under those circumstances, would you consider that the contributions of the men should continue?—I think they should not. I think they operate injuriously, unless they are sufficient to pay the pension. If you took from the men enough to pay the pensions, it would not be objectionable, and you would only grant such pensions as their contributions would provide.

3660. But that would be a sort of annuity provided by an annual payment?—Yes; it would be in the nature of a deferred annuity; but I think it objectionable. I do not think such a relation should exist between employer and employed.

3661. In reality it would come to this, that you would increase the wages?—Certainly.

3662. Because if a larger contribution were taken from the men, it would naturally require an increase in their wages to meet it?—It would lead to great complications; and I find that in many cases the money is thrown into the common expenditure of the county apparently; it is not kept separate, but expended. I might just say that I have recently investigated another pension

Chairman—continued.

fund, which is working very well, namely, the London and North Western Railway Company's pension fund. I investigated that in conjunction with the president of the Institute of Actuaries and another gentleman. It is the practice with them to deduct the $2\frac{1}{2}$ per cent. from pay, as here, and the company pays the other $2\frac{1}{2}$ per cent.

3663. Does 5 per cent., in that instance, meet the pension?—Yes, it does; the pension is not granted upon the ultimate salary of the officer, but upon the average salary during the whole of his service.

3664. Is that pension given him as a right, or is it at the option of anybody?—As a right at the age of 60.

3665. Under those circumstances are you of opinion that that 5 per cent. would be sufficient to maintain the fund in a permanently self-supporting condition?—I think it would.

3666. That is a very much less amount of contribution than you suggested with regard to the police force?—Yes, because they are very strict in not granting pensions at those early ages; you do not see men pensioned at 45 and 50 as you do in the police.

3667. Do I understand you to say that there are very few, if any, pensioners upon medical certificate, and that there are very few pensions granted except after a certain age?—They are entitled to pensions if they become blind, or are subject to real infirmity; but they must be ill, or entirely inefficient, before they can think of claiming a pension.

3668. Is not the present system with regard to the superannuation of the police, one in which a strict medical certificate is required?—I do not know what the practice is now; I only know what it was, and then I did not think it was strict at all.

3669. Such a suggestion as has been thrown out, of requiring men to reappear after certain periods, in order to get a renewal of their pension, would meet a difficulty of that kind, would it not?—It would, if rigidly worked, to a large extent; it is in practice now in the metropolitan force under the new arrangements. I did not recommend it in my report.

3670. Are you of opinion that a sound pension system would be advantageous to the discipline and maintenance of the police force?—I am quite persuaded it would; I have considered the matter very carefully; it enables you to discharge the men when they are infirm, without inflicting hardship upon them. It is a pledge also of the integrity of the men; after a certain number of years' service, a pension is worth 200 l. or 300 l., and the men feel that, and it is a pledge of their fidelity, which is very important, of course, in such a body as the police.

3671. You would prefer as the simplest way of dealing with the question of superannuation, that the wages should be made sufficient to cover the pensions?—I would.

3672. But you think it is of importance for the proper maintenance of the efficiency of the police force, that there should be some alteration of the system?—I do.

3673. Have you any objection to the funds which at present exist?—The funds are very various, and one would have to consider how they could

Chairman—continued.

could be dealt with; I have discussed that question in the county report here.

3674. But even supposing the funds were brought up to a self-supporting condition, you would prefer that your simpler form should be adopted?—Yes, I would not have a separate superannuation fund, it should be a wages fund only, and the same fund out of which wages were paid should pay the superannuations, as being wages in another form.

3675. You think you could guard against the danger which has been felt on one side, of bringing too much feeling to bear about granting pensions by laying down a fixed scale?—I think so; if that was laid down in an Act, or there was power given to the Secretary of State to lay down a scale, it could be worked quite satisfactorily.

3676. Would there be any difficulty in dealing with an existing fund, if such a suggestion as you have thrown out were adopted?—I think not; it would require consideration.

3677. A large fund, such as that which has accumulated in Lancashire, for instance, of over 44,000 £, you could not very well apply either to the borough or county rate, as the case might be, could you?—If the borough or county took all the liabilities they would be entitled to the assets.

3678. But would not certain ratepayers get greater benefits out of those assets than others in the course of years?—I do not see that they would.

3679. It would be a direct addition to the rate of the day, would it not?—You could, if you choose, fund the capital, and take only the annuity; or make it a terminable annuity.

3680. Supposing you funded such a sum as that in Lancashire, the pension which could be charged upon that amount would be small?—Unless it was invested as a county fund.

3681. That sets up the question of a separate fund kept by the county for superannuation purposes?—I think I should leave the county to deal with it as they choose, if the county would undertake to pay all the pensions which could be claimed, the police being the only people who could claim anything out of the fund.

3682. What I meant was, that unless you set up a separate fund, which is in reality another superannuation fund, by the investment of this sum, supposing you pay it to the county rate (it is in diminution of that rate at the present time) the pensions would be charged upon that rate in the future, and therefore (although I may be quite wrong) it struck me that it would be an injustice to the future ratepayers to charge those pensions upon the general rates while the previous ratepayers have been relieved to this large extent?—I see your point, but the counties do not all expend their income annually; I believe some of them have reserves, the boroughs have, certainly.

3683. If there was anything in the position I mentioned, it would come to the investment of that as a separate county fund?—I should object to a separate investment; I should merely throw it into the common stock, the property of the county, the county undertaking to pay all the pensions. I would leave the county to deal with it as it chose.

3684. Do you think that that would not be an advantage to the ratepayers of the day in which the transaction took place as against the rate-
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Chairman—continued.

payers of a later period?—I would leave the county to decide that question itself.

3685. Have you any figures with regard to the age and efficiency of the policemen, that is to say, the term of service during which they can be considered efficient?—I think that matter cannot be considered quite apart from the age at which labouring men work at different occupations. I give in this report a list of the ages of the working populations in different branches of work; for instance, taking agricultural labourers; this is from the Census of 1851. I can give the different numbers; there were 113,000 aged 20 and under 25; 81,000 aged 40 and under 45; 72,000 aged 45 and under 50; 67,000 aged 50 and under 55; 51,000 aged 55 and under 60; and 46,000 aged 60 and upwards. A great number of those labourers are at work evidently between the ages of 50 and 60. Now I will take coal miners, which is a dangerous trade; of coal miners there were 36,000 between the ages of 20 and 25; 12,000 between 40 and 45 years; 8,000 between 50 and 55 years; and 4,000 aged between 60 and 65. Therefore it will be seen that the greater number of the working men of the country do go on working up to the age of 60, at any rate. Now it is quite true that the police is a peculiar service, as no doubt they are exposed to encounter the rough population of the country; they have to fight and to risk their lives, so that in that respect they are like soldiers; they have at times to exert great force and to endure great fatigue, and I learnt practically from the officers, that they do not much care about the ordinary services of those men, at the age of 50 and upwards. I came to the conclusion that the only way would be to graduate the force in some way or other. I suggested that the Commissioners should find lighter duties for men to perform as they got on in years, and that they should not expose the veterans to the same extent as in the earlier years of their service: that under those conditions it would be an advantage to retain men in the force longer than they were retained when I reported. I think upon the average they only served five years; the greater part of the younger men know very little about the thieves and others who are going about the streets of London, but after a time they come to understand their business thoroughly, and I came to the conclusion that it would be advantageous to retain a number of older men, of from 40 to 60, and I see from the return that you have a certain number of men of ages in the counties even after 60, but I should doubt the propriety of retaining a policeman after 60 years of age.

3686. You think that up to 60 years of age there is a fair prospect of a man being still serviceable, provided he is not asked to do the harder work of a constable's duty upon his beat?—Yes; I examined the subject thoroughly, and came to that conclusion.

3687. Do you suppose that in any given force, there are a very large number of situations in which you could employ men of that age?—I learnt that there were a certain number, but it is so much of an administrative question, that I would not venture before the Committee to give an opinion upon it.

3688. But looking at the police force as having the greater part of its duties in the exposure of the policeman's life upon a beat, you would think a lower age ought to be established with regard to
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Chairman—continued.

to them?—Yes, certainly, from 20 to 45 years is the most efficient age of policemen in the ordinary way. I have here the ages of criminals committed; the same remark applies to them.

3689. I suppose it very much turns upon the number of years' service, because a man who has served 25 years would be less effective even at 46 than a man who has served 15 years would be at 50?—Quite so; it turns a good deal upon the length of service in combination with the age at joining the force.

3690. Is there any other point which you would like to submit to the Committee?—I think not; but if the Committee would like to procure returns, it would give me great pleasure to assist in any way I can.

Mr. Scourfield.

3691. Was there not some old formula computation which, although modified might be of some value to remember, namely, that the value of a person's life was half the difference between his existing age and 86?—Yes, that was so.

3692. Do you consider that is near the mark?—It is somewhere near, but it is not so accurate as the formulas we now have.

3693. So that a policeman at 50, might be supposed to draw his pension for 18 years?—We could give you an exact computation of that from the English life tables.

3694. But might it not, for the people who cannot carry exact calculations in their heads, be received as a very fair formula?—I should not say that, but I would mention one which would serve the purpose better; the expectation of life at the age of 20, is about 40 years in England; then it diminishes two-thirds of a year for every year, so that a man at 30 has lost about seven years of his expectation; it is brought down to 33. A man at 40 has lost 13 years of his expectation; take 13 from 40, and you get the expectation of life then as 27 years.

Mr. Cooper.

3695. Could you give the Committee the average ages of the thieves upon the same principle as you have already given those of the agricultural labourers and miners?—Yes.

Chairman.

3696. The figures in this table represent the number of thieves committed?—Yes, as given by the judicial statistics of the year 1873.

3697. I see by those figures, that the largest proportion, namely, 32,935, are 21 and under 30 years; and that 21,964 are between 30 and 40 years of age?—Yes.

3698. Whilst between 40 and 50, there are 13,346?—Yes.

3699. And between 50 and 60, 7,218?—Quite so.

3700. I see, therefore, that their flourishing period, if I may call it so, is between 20 and 40 years of age?—Yes, that is so.

Mr. Torr.

3701. What number of policemen are there in England?—I do not know the present number; I knew the number at the time I made the report; that was in 1866.

Mr. Torr—continued.

3702. You stated that you thought the policemen should contribute 5 per cent. to the superannuation fund; from what source should the other portion of the fund necessary to furnish the pensions be provided?—I suggested that the whole of the pensions should be paid out of the county rate; I propose not to have a separate fund; I propose that they shall be paid out of the same fund as the pay comes from. I would not propose to keep the fines as a separate thing, but to throw them all into a common fund, and out of that fund pay the policeman's pension as you pay his wages.

3703. Taking a man's wage at the average of about 60 l. a man, which would be about 23 s. a week, which would be a moderate average, each policeman would be paying 3 l. a year on a 5 per cent. contribution, and if you say it would be necessary to contribute 8 l. per head per year to make a solvent fund, you would have to charge him 5 l. more than that?—That was required to pay the pensions upon the scale of the metropolitan police, but I do not think that scale of pensions should be continued; I should diminish the scale of pension at the earlier ages, and only give a policeman the full benefit of the pension when he had served 33 years.

3704. Have you thought in your own mind what scale of pension you would suggest?—I would suggest what has been adopted, partly by the metropolitan police, that is to say, I would give no gratuity under five years' service; from five to 15 years, I would give a gratuity equal to a month's pay, for every completed year of service; after 15 years' service, fifteen-fiftieths of the pay, increasing to sixteenth-fiftieths at 20 years' service, and twenty-five fiftieths at 25 years' service, and to thirty-three fiftieths after 33 years' service, and there stop; but I suggested that the early pensions should be only for a term of years, and that they should not be for life.

3705. You have no practical knowledge, I presume, to guide you, whether the scale of pensions you suggest would be acceptable to the force generally throughout the kingdom?—I think from my experience of the metropolitan police, that they will be satisfied with getting two-thirds, and that has been generally acquiesced in.

3706. After what time?—I suggested 33 years' service.

3707. All the evidence which the Committee has had before* them has gone to the shorter period?—So I understand.

3708. We have had a great deal said with reference to capitalising the funds of those different forces, and not allowing the capitalised fund to be interfered with, but that it should always remain as a substantive fund, and be invested at 4 per cent., or the best interest that could be got; how would you deal with it under this changed mode, which you now suggest, namely, that the police should pay 5 per cent., and that the rest should be paid out of the county rate; seeing that some of the counties and boroughs have no funds, while others have very large funds; so that instead of dealing with all forces by a uniform law, every borough or town would be dealt with separately?—Every town or borough has to be dealt with separately, as the funds are separate; but I would deal with a borough just as I would deal with a county, that is, they should undertake to pay pensions upon a scale that

Mr. Torr—continued.

that was fixed upon, and should get those funds as part of the borough funds.

3709. They would get this interest upon the capital?—They would do what they pleased with it, provided they paid the pensions.

3710. You have, again, no practical knowledge whether that mode of paying men would be as acceptable to the ratepayer as the present mode, or whether it would be as acceptable to the men as the present mode?—I found in the metropolitan police, as it worked before when it brought their fund to such confusion, they were satisfied with it.

3711. You base all your calculations upon the metropolitan police force, do you not?—Yes.

3712. Both as regards the manner in which you would deal with the other forces, and how their funds have accumulated?—I considered them, as far as my information enabled me to do so, but I began my evidence by saying that we wanted returns from the counties and boroughs, so as to enable us to determine the condition of each fund, for each fund is a separate fund, quite independent of the others.

3713. You have not gone into the question of what sum per man should be invested, supposing it were capitalised, and invested at 4 per cent.?—You would have to take a particular borough before I could answer the question.

3714. Supposing the superannuation fund were raised to an amount that, when added to the contribution of the officers, would provide a fund adequate to the pension that would fairly come upon that fund; you have not calculated what that would be, have you?—I could only calculate it if I knew the particular fund, and the force, and the ages of the men, and a variety of things.

3715. I think you gave as a calculation that at the end of 55 years one-third of the entire force would be upon that pension list?—Yes, upon that scale.

3716. Consequently, if we took the number of police at 30,000, we should have 10,000 men upon the pension list?—No, more than that; it is a third of the total; it is half as many as the effectives; you would have 30,000 effectives and 15,000 pensioners; that is upon the system upon which they went off earlier than they ought to have gone off.

3717. But I am afraid that a great deal of the evidence which has been given before the Committee goes in the other direction?—Then if they go off early you must give them lower pensions, unless you are disposed to spend a great deal of money.

3718. Supposing we have 15,000 pensioners on the fund, and the average wage to be 60*l.*, and that some of them should have attained the rank of sergeant, which would amount to a pension of 40*l.* per man, the absolute demand upon the fund at the same time would be 600,000*l.* a year, would it not?—I should take it lower than that; they are not all pensioners upon the two-thirds scale. I find by the returns that the average pension was 31*l.*; you might take it at 30*l.*

3719. But the Committee have evidence before them, that the pay of a policeman, which was 18*s.*, has now risen to 24*s.*, and that the 24*s.* rate has risen to 28*s.* Now, taking it at 23*s.*, which would be 60*l.* a year, which would be far below the average, and then taking two-thirds of 60*l.*, which would be 40*l.*, and multiplying it by 15, that 0.94.

Mr. Torr—continued.

would be 600,000*l.*?—You are assuming that the men get two-thirds of the pay as pension; I do not think they would get that, because many would go off when they were entitled to less than two-thirds. Should the pension be 40*l.*, and the system be as it was, the cost would be what you state.

3720. I am putting these questions to you who have not heard the evidence before the Committee to the extent that we have heard it, but I think the honourable Chairman will bear me out, that that will be at least the average, because of course there are sergeants and others whose pensions are much higher; Major Greig, who was before the Committee, now draws a pension of 100*l.* a year?—The average would have to be raised rateably, no doubt, but the average of all would not be 60*l.*; you are assuming that they are all getting the maximum pension.

3721. You would suggest that the men should contribute 5 per cent.?—No, pardon me, I did not suggest that; I am against taking anything from the men, but giving them what wages you choose to give them for their services and a pension; and that you should give that pension as you give the wages, for the services.

3722. You feel that in making any calculation, we should require a great deal more information from all the boroughs and counties than we have before us at present?—Certainly; this information is very imperfect in my report.

3723. Amongst other things should we not require to know the number of men who existed, and during each period of five years, how many retired from the force?—Yes.

3724. So as to get at the probability of the number of pensioners we should have ultimately?—Yes, I had that for London.

3725. Would it not be desirable that we should know the actual number of killed and wounded in the service?—Certainly; I suggested that they should have a medical officer attached to the police in London. At the time when I reported, the police went to any medical man they chose, who gave the certificates on which pensions were granted; now, I think, the plan adopted is different.

Colonel Dyott.

3726. I should like to reconcile some of these calculations with the practical state of things; to begin with, your calculations are made in 1866, are they not?—In 1862 and 1866.

3727. Upon those calculations the average amount paid to each man in the receipt of pension might be taken at 30*l.* per annum, and you say it would require something like an annual contribution of 8*l.* to meet that outlay?—Quite so.

3728. I wish to ask you whether 5 per cent. upon the pay would realise this 8*l.* per annum?—No, it would not.

3729. I ask you that because you told the Committee that in the London and North Western Superannuation Fund, 5 per cent. stoppage upon the pay of the men would provide the retiring allowances which they require?—It does provide as far as we can judge the pensions granted upon the peculiar system which they have adopted; it is 2½ per cent. by stoppage, and the railway contributes the other 2½ per cent.

3730. I should like to call your attention to the evidence of Captain Congreve, who was the chief constable of the county with which I

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Dr. Farr.

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Dr. Farr.

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Colonel Dyott—continued.

am connected, namely, the county of Stafford; in answer to Question 1542, he says he thinks Dr. Farr's calculation fixes a very high contribution as being necessary to make the fund self-supporting, that sum being 8 *l.* per annum; he says that is a very much larger amount than the contribution of his force; the contribution of his force a few years ago was 3 *l.* a head; it is now 5 *l.* a head; that would be an average of 4 *l.*, namely, one-half of what you fix it at. Then further on, in Captain Congreve's evidence, he says, that at one time he was afraid the fund would break down, but now, on the other hand, he says he is as certain as can be that upon the present scale it will remain solvent, that is upon the average of between 3 *l.* and 5 *l.*; he says, Dr. Farr's calculations, which have been made by the most eminent actuary in the world (I presume he means a little compliment to yourself), have been all falsified with regard to his force, and he does not see why the fund should not go on, though he can quite see the strength of Dr. Farr's argument, that it ought to have failed long ago; that fund is very flourishing, and that result is produced by a contribution of one-half of what you say would be necessary. I wish to know if you can reconcile these two things?—You will recollect that my observation was a general one, applying especially to the metropolis on the pension system, as adopted by them, and I think I stated explicitly that each of those funds would have to be separately investigated. Staffordshire might, perhaps, be perfectly solvent upon the system of pension they go on, and Worcestershire might be just the reverse. I see that the total receipts in Staffordshire in this year, 1864, were 2,000 *l.* a year, and that of that only 572 *l.* came from contributions; and taking the number of your police now, that is very nearly 5 *l.* each man.

3731. The number of our police now is 493, and the income from all sources is 4,088 *l.*?—If you divide the 4,088 *l.* by 493, it comes as nearly as possible to 8 *l.* a-piece; it appears that the fines from drunkenness in Staffordshire are very large.

Chairman.

3732. There is one other element which I suppose enters very considerably into this question, which is the rapidity of the change of men which occurs in some forces?—No doubt.

3733. Consequent on the men changing rapidly, the pension list is relieved?—That is the case in all funds; great numbers leave during the first two years, and great numbers are dismissed.

3734. That applies, I think, in the case which was also quoted as rather disproving your figures, namely, the case of Sheffield; a very large percentage of the men leave that force early before they come upon the fund?—Yes, but that was the case in the metropolitan police. I have a

Chairman—continued.

table here showing the number leaving after each year's service, and it is very great indeed.

3735. Then you do not think that that makes a material difference in your calculation, with regard to the 8 *l.*?—It was taken into account; it was the very basis of it. I should like to say that I did not give the 8 *l.* as applicable to any one of those counties or any one of those boroughs, but as representing exactly the state of things as it was in the metropolitan police under their scale of pension, and under their system of pensioning.

3736. But you applied the information which you then possessed about them to these counties and boroughs?—With regard to each county and each borough, supposing I had these facts, I could give an answer; it must be that each county and each borough has to be dealt with separately.

3737. And that although you could lay down a system with regard to each borough and county, you would require more knowledge than we at present possess to lay it down?—Yes; to say whether a fund is solvent or not, you require all the facts which were supplied to me with regard to the metropolitan police, and more in fact, because if you had two or three men going off at a time on full pay from injury received in the service, it would ruin a small fund.

3738. That rather goes to support the idea that the whole superannuation fund of the country should be formed into one?—It would be worth considering; I doubt whether all these boroughs and counties should have separate superannuation funds; the larger ones might.

Mr. Torr.

3739. What is the minimum number of a force which could provide a solvent fund for itself?—Not less than 1,000 men, I should think; if you undertook to give them a pension equal to their pay, you might have two or three of them falling in in a single year, which would swamp a small fund.

Chairman.

3740. Do you mean that the contributions you have suggested, amounting to 8 *l.* per man per year, would not give a certainty of solvency, unless a force were 1,000 strong?—A pension fund is like a friendly society, only rather more fluctuating.

3741. That practically excludes all the English forces?—The demand on such a fund is fluctuating, and that is an objection to attempting to establish a fund, the solvency of which you could not secure without a reserve to begin with.

3742. That would not apply to a general fund; that would apply to each separate case?—You might form a general fund, and have the calculations made strictly, and in that way ensure solvency.

3743. Is there anything else you would like to suggest to the Committee?—I do not think there is.

Captain THOMAS HILL, called in; and Examined.

*Captain Hill.**Chairman.*

3744. You are the Chief Constable of North Yorkshire, I believe?—I am.

3745. Have you been long in the force?—Nineteen years.

3746. Therefore you can speak to the feeling

Chairman—continued.

of the force under you, with regard to this superannuation question?—I can.

3747. Do you agree that there is a feeling in the force against the present system of pensioning?—Undoubtedly.

3748. And

Chairman—continued.

3748. And a desire for some permanent pension as against the present uncertain scale as it is considered?—Yes, the men conceive that they are not positive of getting what has been already intended for them by Act of Parliament, and they also ask to have a more liberal scale of pensions granted to them.

3749. They ask for a higher scale, at the same time that they ask for fixity of scale?—They ask for fixity, and they also ask for what I call a new system, that is to say, a claim for pension as well as for superannuation for age or sickness; I make a distinction between pension and superannuation for mere infirmity of mind or body, the superannuation being for the man who is worn out to a certain extent, and the pension for the man who has served a fixed number of years.

3750. You refer in that remark to those years of service upon which a man comes before the county for pension upon medical certificate?—Yes, that is what I call the superannuation allowance; what the men ask for in addition to that, is a claim for pension.

3751. Have you formed any idea what scale, if such a system were adopted, should be the fixed scale for such a pension?—I have thought of it; there are a very great variety of opinions; I think that service and age, looking upon all sides of the question, should have something to do with it; I do not go upon service alone.

3752. How would you combine service and age?—I think we must look to both sides, those who pay and those who receive, and I think that 50 is the earliest age at which a man should be allowed to claim a pension; I do not think he should be able to claim it at 46.

3753. I do not think you have stated what you consider the term of service for pensions should be?—Twenty-five years, and I think that the man should be 50 years of age before receiving it.

3754. That is to say, supposing he had served 25 years, he would not be entitled to claim his pension unless he was 50 years old?—Quite so, and I would give him a little more pension if he was of 30 years' service.

3755. What scale would you lay down for 50 years of age and 25 years' service?—For 25 years half a man's pay, and for 30 years two-thirds, with power to the local authority to go up; I think it is very desirable to have a minimum and maximum, because there are many men who work harder than others who are nevertheless themselves respectable men, and I would give the local authority a power to go up a little higher; if I take it in twentieths, I would give the local authority power to go up to 16-20ths to make a distinction for good men.

3756. So that in addition to allowing a man to claim half-pay after 25 years' service, you would allow him to look forward to increased pension for increased service in the force?—Yes, and by good conduct and exerting himself.

3757. I presume that in all cases the question of conduct enters into the calculation, inasmuch as the chief constable would not retain a man of bad conduct in the force?—No, not of bad conduct, but there are still men who do not exert themselves as much as others do.

3758. There is, in fact, a difference between a good man and a good man?—Yes, quite so.

3759. You would wish to leave a discretion

0.94.

Chairman—continued.

with the magistrates to reward men of meritorious service?—I think so.

3760. With regard to gratuities to children where a policeman dies in the service, would you extend the present Act, and allow it to apply to children of a certain age?—I think it would be only just to apply it those who are dependent, or would have been dependent, upon the policeman.

3761. Are you satisfied with the present system of gratuities awarded to the widows of men killed in the service?—I would give a double gratuity to a widow, or the children, in the case of a man being killed in actual service.

3762. That is to say, a double gratuity calculated upon the present scale?—Yes, calculated in the same way as it is in the present instance.

3763. Only that you would increase the extent of that gratuity?—Yes, I would.

3764. And with regard to constables killed or injured on duty, do you think your pensions and gratuities should be charged upon the superannuation fund?—I think rather that they should be charged upon the police rate; but I have not given the matter much consideration. I think it is not a superannuation question exactly, perhaps, looking at the term "superannuation"; I think it would be as well to pay it out of the rate.

3765. You think it would be better in cases where men were killed in the service, and where their relations, either the widow or the children, come before the committee for gratuity that it should be a gratuity not charged upon the fund, but going directly upon the police rate, and, therefore, relieving the fund to that extent?—I think so.

3766. You have, of course, some boroughs in your division?—I have towns, but no corporate boroughs under my charge. I have important boroughs like Middlesbrough bounding me, which I run close up to.

3767. How would you deal with your present fund; is it self-supporting?—No, I would wish to see it supplemented. I think it is essential that we should support the fund to the uttermost.

3768. You do not consider your fund in a satisfactory condition, I believe?—At present we have not many calls upon it; but looking at the future, and having some time ago read the report of Dr. Farr, who has just been examined, and who is a very great authority, an undisputable authority, I consider upon such matters, we must presume that our fund will fail sooner or later; therefore I consider it essential that we should look to means to support it.

3769. Has it occurred to you, and can you suggest, how those additional means should be supplied?—I think I would do the same as is done in boroughs; I would take the earnings of the police, and I would also take the remaining half of the penalties which are at present allowed. I would also take the fees for the duty of regulating weights and measures, which, speaking for my own district, are performed by the police. I would take the fees for granting pedlars' certificates; I would also take all rewards and gratuities offered within our own jurisdiction. I do not approve of rewards at all to the police, and if they were placed to that fund it would be a help; every little helps, and I think miscellaneous earnings, such as licenses, notices, and all that sort of thing, should go to the fund.

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3770. Would

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Chairman—continued.

3770. Would you make any distinction between the penalties which are at present paid to the county rate, and the earnings of the police which are at present paid to the police rate, but not applied to the fund?—I think the fees for serving summonses are paid to the fund in boroughs, but not in counties; I would give all those to the counties in cases where they are not given at the present time.

3771. And it would be no injustice to the boroughs?—I think I have heard it stated in evidence that it might be an injustice to boroughs to take any part of the county rate, because those boroughs which have not a separate court of quarter sessions contribute towards the county rate; but I do not see that objection myself, because if those boroughs, as I presume they do, contribute their penalties to the county rate as well, and therefore if they for their benefit, or the benefit of the police, had power to take those penalties for their police, they would be in the same position as the county would be.

3772. They would take their share?—Quite so; they would take their share.

3773. Supposing all those penalties to be applied to this fund, do you feel any danger, as has been suggested to the Committee, of the police being improperly influenced in their duty?—That could only arise with regard to penalties, and I can only say from my experience that I do not think such a consideration ever enters into the head of a constable; and even if that had been so, the moment the rates were made liable by the existing Act for the support of the fund, that would take away any feeling he has of the kind, because the man would say, my superannuation is settled by the Act; so that it is not really a policeman's question to support this fund, so much as it is a ratepayer's. Then, again, you give already half the penalties to the fund by the Act of Parliament, and I do not think that giving the whole would make any difference.

3774. In fact the contingency of his gain is so remote in the case of a man who remains many years in the service, that it does not operate upon him in that respect?—It does not, but the chief thing is, as the rates are liable to make the fund good he does not think of it. What I am about to say, I am only speaking for my own county and the county in which I learnt the principles of police service (namely, Essex), that whenever it is practicable, through the post, I supervise the laying of informations; I do not do it on account of the superannuation fund, but to avoid improper prosecutions, or prosecutions that are likely to fail, and that sort of thing.

3775. With regard to the police force, considered with this question of superannuation, do you believe the service is a popular service at present in your district?—No, I do not think so; I think it is unpopular; I think that if it were more popular we should find the relatives, the sons and brothers of the police coming more readily into the force, and that is one reason why I am anxious for a more liberal system of pensions to be established than exists at present.

3776. Then your recruiting is very much from outside your own district?—Just so; we do not get many men from our own districts. I think I have had a few relatives in the force, but if the force generally in England thought it was a good service, they would recommend their relatives, their sons and brothers, to enter it, and

Chairman—continued.

there would be more good men forthcoming for the service.

3777. Do the men change a good deal in your force?—Yes, they do a good deal.

3778. Do you think this question of superannuation enters into the calculation a man makes when he enlists?—I do not believe it does at first; it does after a time influence him in taking an interest in remaining in the force.

3779. You think that after a time it enters into a man's calculation, that is to say, after he has contributed to it, and realised the prospect a little?—Yes, I think if more favourable terms were made, really good men would look to it.

3780. Do you think the suggestions you have made would increase the efficiency of the force by keeping good men in the force?—I think they would.

3781. Do you think, looking to the efficiency of the force from the point of discipline, that retaining men in the service for many years is advantageous?—As long as they are able to do duty, I do.

3782. Having trained a constable, and got him to know his duties, he becomes an officer infinitely more valuable than a new recruit would be?—He does.

3783. Therefore any inducement that you can hold out to him to remain in the service is an advantage to the public?—I think so; I think it is a great disadvantage to the public when you have trained men, and they run away. I think all that money is thrown away.

3784. Has your attention been called to the question of carrying service from one force to another?—Yes, it has.

3785. Will you tell the Committee what your views are upon that point?—I would let that remain as it is, on promotion.

3786. You would not propose to alter the system on any other point, would you?—Yes; I think there are a certain class of men who have a strong claim. When the Police Act became compulsory on counties, there was a great call for experienced policemen to assist in the formation of our forces, and I availed myself of Admiral M'Hardy's kindness (the chief constable of Essex), and he let me have, by their wish, I think it was, three officers from his force. They came on promotion. The Act which allows half-rates to go on promotion was passed subsequently to that time. I think, in justice to those men, who were of very great use in other counties as well as my own, it ought to have been extended to men who did good service at such a critical time as 1856 and 1857, when the police was first organised.

3787. You would have widened to that extent the effect of the Act, when it was passed, by making it retrospective in its action?—Just so.

3788. Is there anything which you wish to put before the Committee with regard to the superannuation of chief constables?—I think that is a matter which chief constables coming here should not speak to. I did hear it named the other day, but it is a matter upon which chief constables should be very cautious what they say, because I think if chief constables come here to make suggestions for the benefit of the service, and they come also to support their own claims, it does away in some measure with the value of the information they may give to the Committee. However, if I am asked, I should say that no chief constable would

Chairman—continued.

would wish, and certainly ought not, to retire, before he is 60 years of age.

3789. In fact, you would make the present period which is fixed for service applicable to chief constables?—I think so; I think, at the same time, their pension should be secured to them.

3790. That is to say, that their service should be subject to pension upon the superannuation fund?—No; I think the Legislature were wise in passing the Act and keeping it distinct. I think that the chief constable, being the adviser of the justices, and it being upon his recommendation that pensions are granted, it is exceedingly desirable that he should be kept clear of that fund upon which he recommends men for pension.

3791. You would leave the pension, as at present, upon the rates, but you would fix the scale of pension and the time at which it might be taken?—Just so.

3792. Is there anything else which you would like to submit to the Committee?—With respect to the granting of pensions, of course it is quite understood that they should be subject to good conduct, but I think those pensions differing from superannuation, upon medical certificate are quite a new thing; I think it would be desirable in the interest of discipline that three months' notice should be given before resignation with a view to a pension, instead of the ordinary month's notice; it would be desirable for this simple reason: I have in my experience found a man, perhaps, getting unfit for a rural station, where there was a great deal of walking about, and I have ordered him to remove perhaps to a station which was not so pleasant, but where he would perform the duties, as I thought, efficiently. He demurred to that, and therefore it would be necessary to enforce discipline. In the case of a man who had served efficiently a number of years, it would be hard that he should be driven to insubordination and deprived of his pension; if he was ordered to a station and objected to it, he might say he would resign before he would go, but if he had three months' notice to give he would think over it, and obey orders.

3793. You think that at the completion of the service the claim to pension should arise upon a given notice, the period of which you would suggest as three months?—I think so.

3794. As a matter of discipline, would you give any appeal against the decision of the chief constable?—I am not aware that there is any strong feeling upon the subject; but if there was I would. But we all know that frequently questions are asked in the House of Commons with respect to the metropolitan police and other matters; everything now-a-days is well known, and well ventilated. If a chief constable misconducted himself (I am not aware that there has been an instance of it), there is always redress to be got by applying to a justice. If a chief constable abuses his power he is liable to be pulled up at quarter sessions, and of course if anyone had a cause of complaint he might make it to some justice, who could bring it forward in that way. At the same time, if there is any strong feeling, an appeal to quarter sessions, which is the proper authority, might be made if a pension was refused; but speaking for myself, I would do as little as possible to lessen the power and authority of the chief constable.

3795. You would suggest that the Police Com-
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Chairman—continued.

mittee in counties should have a similar power in the matter of pension, as the watch committee in boroughs?—I would not say the police committee; I would say the quarter sessions, which is a higher authority than any committee; I think it better that it should be the quarter sessions.

3796. You think that the appeal should go, in fact, not to the committee who are entrusted with the finance and other matters, but that it should go to the general quarter sessions?—Yes, that an appeal should go to the general quarter sessions, and then the quarter sessions could refer it to the police committee to report to them upon.

3797. You would let it go to the county local authority?—It should go to the county local authority.

3798. Have you ever considered the question which has been submitted to the Committee by one or two witnesses, of the advisability, with regard to this superannuation fund, of the Government contributing to it?—I have, to a certain extent. I think it would be in the interest of the service, so far as that it would prevent dissatisfaction, and be popular with the ratepayers, and I also think that if it were done in such a way as to give Government, not only control over the pensions, but also the power to see that the fund was properly supplemented, since in some places there is not always the same system, and if it promoted an uniform system of supplementing the fund and the amounts granted, it would have a very good effect.

3799. Supposing such a scheme were carried out, as has been once or twice suggested, I think in your hearing, before the Committee, that the capital should not be trenced upon, and that power should be given to the Secretary of State to withhold the penalties from being applied to the fund, and to place them to the county rates, when the fund was self-supporting; do you think that you might then also fairly ask the Government to contribute a certain proportion towards the maintenance of the fund?—Certainly, I would; but it rather occurs to me that there might be a difficulty, because in some places they may not have taken proper means to support and constitute their funds, and therefore they would have no capital, and those places would then be getting the advantage of the Government aid, when they really had not done their duty, and followed out the Act of Parliament in making a good bargain for themselves.

3800. But, I suppose, if the Government had to contribute, it would be a contribution of a limited character, not upon the general funds, but a similar contribution to the contribution by the men, for instance, which would be of a limited character, and therefore that point which you have suggested would not arise?—That would be so.

3801. Is there any other point that you would like to mention to the Committee?—I think not.

Colonel Dyott.

3802. I think you made a suggestion which we heard for the first time, that superannuation payments and pensions should be kept distinct?—I treat the two terms as distinct.

3803. Superannuation payments you would reserve for men incapacitated from age or infirmity from remaining in the service; in fact, to
U 4 men

Captain
Hill.

1 June 1875.

Captain
Hill.

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Colonel Dyott—continued.

men who are really superannuated?—Yes, quite so.

3804. Then you think that pensions should be granted upon a different principle, and to a different class of men, that is to say, after a certain fixed service?—After a fixed service and at a certain age.

3805. Based of course on good conduct and the recommendation of the chief constable?—Yes, quite so.

3806. Would a fund raised from the police earnings, that is to say, all penalties for drunkenness, and penalties arising in cases where the police are informers, and such matters as pedlars' licenses, fines, and everything of that kind, perhaps supplemented by the other matters you have mentioned, be sufficient to raise the fund necessary for pensions?—I think so with respect to my county; I understood Dr. Farr to say that 8 l. a man was required; I think that with what we earn at present, and what was raised by the supplement I have proposed, we should find that to be ample.

3807. I do not want to go into a calculation, but could you tell us, in your opinion, what would be the amount, in your Riding, of the different matters I have referred to; fines, pedlars' licenses, weights and measures, and so on, so as to keep the pension list distinct from the superannuation list?—I conceive that altogether from those sources we should have, taking an average of the three years since pedlars' licenses came into operation, about 1,400 l. a year coming into the fund in addition to what we have at present, which is about 1,100 l.; that would give us about 2,500 l.

3808. According to this return you have a force of 200 men?—Yes.

3809. And your disbursements for the year ending September 1874, were 200 l.?—Quite so.

3810. Those 200 l., supposing the payments were divided into a superannuation fund and a pension fund, would be divided into two parts?—I think I have created a wrong impression with regard to the funds; I never intended the Committee to understand that we should have two funds; I was merely making a distinction in the term; although I call one a superannuation allowance, and the other a pension, they would both be paid from the same fund.

3811. In the event of there being two funds, namely, a superannuation fund arising from the contributions by the men, that is to say, not exceeding 2½ per cent., and supposing the earnings of the men were reserved for another fund, what I want to get at is whether, in your opinion, the earnings of the men forming that fund would be sufficient to meet the pensions which would be granted for good service; I do not refer to the superannuation allowance, but to the pensions? No; I think it is a very small amount when you consider what the men contribute in the shape of 2½ per cent.; if you take 2 s. or 2 s. 6 d. a day as their pay, I do not think you would get above 35 l. or 38 l. a year.

3812. But you find in the return relating to your own Riding, under the head of "penalties in cases of drunkenness where the police are informers," you get about 500 l. a year?—No doubt; you were asking about the 2 per cent. stoppages.

3813. I want the 2½ per cent. stoppages to be

Colonel Dyott—continued.

confined to the superannuation; I wish you to explain, in the event of there being a superannuation list and a pension list, each drawn from a separate fund, the superannuation being drawn from the stoppages of the men, and the pension from the other sources of revenue, whether the other sources of revenue would be sufficient, and if not sufficient how much less than would be required to bear the charges for pensions?—I think they would be sufficient to bear them.

3814. Without the 2½ per cent.?—Yes, without the 2½ per cent.

Mr. Scourfield.

3815. I do not know whether you were asked the question at what age you consider a man to be most effective?—I have hardly been able, from my own experience, to judge of that, ours not being one of the old forces in England; we have been established 19 or 20 years now, but at the time I sent up my return to the Home Office I only had one pensioner; since that time we have had three pensioners, but my experience is that men ought to go on to 50 or 55 years of age.

3816. Have you any system of graduated duties by which a man, who has become a little less active, can be transferred to other places in the force; there is some clerk work, is there not, which he might do?—We have not much clerk work for the officers, but if we find a man a little over done with one beat we send him to one which is a little easier.

Chairman.

3817. With regard to the distinction between superannuation and pension, as I infer, though you apply different terms to them it comes very much to the same thing, that whereas all those that are called pensions for short service, which are granted upon medical certificates, you would retain according to a scale, calling them pensions; those retirements after a certain age, or after a fixed period of service, you would call superannuations?—There is not much difference, except in the terms. I call the allowances existing as at present for men at 60 years of age, or when unfit for service on a medical certificate, superannuations. I call what is asked for in addition, viz., power to retire at will after fixed service and at a certain age with an allowance, pensions.

3818. You would leave the system in force with regard to the first, while the second you would change from a fixed period of age to a fixed period of service?—I would, with regard to the first, except that with respect to allowances on medical certificates I would recommend that the allowances should be revised in case a man recovered and became fit for service. With regard to the second, I would combine fixed service with a certain fixed age at which he would be able to claim his pension. I would add, that I think it is desirable that there should be some power with regard to the investment of the superannuation fund. There is great variety now; some invest in one way and some in another. In our own county we stick to the old-fashioned Consols. There was supposed to be some little difficulty about making a change, which I never could see, but we have stuck to the Three per Cents.; it is one of the ways in which the fund may be supplemented, and I believe in the Liverpool Act there is power to relax

Chairman—continued.

relax the old system and to invest their fund more advantageously.

3819. There is power to invest the fund in certain securities named in the Act?—Yes, I believe so; and another point I should like to mention with respect to supplementing the fund, is that the contribution should be uniform; that all forces should pay $2\frac{1}{2}$ per cent., because the half per cent. makes a difference in the receipts.

Serjeant WILLIAM BURNALL, called in; and Examined.

Chairman.

3821. You are a serjeant in the Northampton borough force, are you not?—I am.

3822. What is the strength of that force?—Forty-nine of all ranks.

3823. You are able, I suppose, to speak of the feelings of the men of your force generally?—I am upon the superannuation question.

3824. Have the men of your force considered the question of superannuation?—They have.

3825. Do they feel any objection to the present system upon which it is administered?—The men do not find so much fault with the scale as with the uncertainty of the system.

3826. I understand you, that the men generally complain that the system upon which the pensions are granted is a system of uncertainty, which they object to?—Just so.

3827. Have the men formed any opinion as to what change they would suggest?—They have.

3828. Will you state that opinion to the Committee?—The men would like to claim half-pay irrespective of age, at 20 years' service, and at 25 years two-thirds, rising gradually. There is no member of the force who would advocate a pension of over two-thirds for any length of service.

3829. But what they say is, that having served 20 years, they think they are entitled to ask for pension, and to be allowed to retire upon half-pay, whilst if they continue up to 25 years, their pension should be calculated at two-thirds of their pay?—Quite so.

3830. Do they fix any time for beginning to count the service, or should that be calculated from the age at enlistment?—I have not heard any expression to that effect, but a boy is really no use as a policeman.

3831. Would you think that the men feel that it might be fairly asked that the rate of superannuation pension should not begin to be calculated until a man was 21?—If a man was accepted as a member of the force previous to becoming 21 years of age his service ought to count.

3832. Has your force expressed any opinion with regard to the carrying of service from force to force upon change of service?—They have; the whole force would wish all service to count; it should not matter what force it was performed in.

3833. You mean whether upon promotion, or generally upon any change?—Whether upon promotion, or generally upon any change; but they would make it a condition that when a man left one force to join another, he would make a declaration on making his application, that he

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Chairman—continued.

3820. There is another point upon which I wish to ask a question, namely, in granting a pension, would you make the rate of it contingent upon a man's having served in the rank he then held for a certain time?—Yes; I think that if a man were promoted from constable to serjeant, or from the rank of serjeant to a higher grade, if he claimed his pension he should not be taxing the ratepayers upon the higher scale of pay until he had served in that grade three years.

Chairman—continued.

had so much former service, or else he should forfeit it, and I think very few chief constables would accept a man if he had much service.

3834. You think that the ratepayers would be protected from taking a man with a long former service, by the knowledge that if they took him, they would have to take him with his engagements?—Quite so; I imagine they would take very few of them.

3835. You would be of opinion that it was disadvantageous to have men constantly changing, and that it was desirable to keep them in the force, in order that they should become efficient constables?—Quite so.

3836. With regard to gratuities; do your force consider that the gratuity to widows should be extended to the children if there is no widow?—Yes, they do.

3837. Have the men thought upon that subject?—Yes, and they feel strongly upon it.

3838. I suppose you mean that it should apply to all children of a certain age?—To all children under 13 years of age.

3839. That is where they are dependent for support upon the parent that they lose?—Quite so.

3840. Is there anything further you would like to place before the Committee, as representing the men of your force?—No, not beyond the points which you have put to me.

3841. As I understand, the men do not complain of the pensions which are granted at present, but they complain of the uncertainty which exists with regard to pensions?—It is the uncertainty they complain of.

3842. The men would ask that after a certain term of service they should be entitled to claim a fixed pension?—Quite so.

3843. Do you think this pension question enters into the calculation of a man when he enters the force?—I do not think it does when he enters; but I think it deters men from joining by causing a great deal of dissatisfaction in the force, and makes it unpopular.

3844. You mean that the men themselves in the force are not such good recruiting serjeants, as I may call it, as they otherwise would be; that they do not describe the force in such glowing colours as to induce recruits to join?—No, they do not; but we generally recruit our force from the villages round our locality.

3845. Do you find your force change very much?—Very much so. We had 15 of our force leave us in the last 13 months.

3846. Were those men who had recently joined, or were they men of any service?—They ranged from one to five or six years.

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3847. You

Captain
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Serjeant
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Chairman—continued.

3847. You think that the present uncertainty of pension has something to do with their not remaining in the force?—It has.

3848. You think that the men change more rapidly because they have no certainty?—I do.

3849. Do you believe that a change such as you have suggested would tend to keep those men in the force?—It would; the men change from one force to another to get a higher rate of pay, but if the chief constable would not accept them they would stay where they were and make it their profession; I know many men who have gone to other forces where they have received 5 s. or 6 s. a week more; I think it would put a stop to that if a man was compelled to declare his service.

3850. Do you think that the fact of a certainty of pension would induce men to remain in one force, and do you think also, allowing men to carry all their service into another force, but making them declare that service when they wished to go into that force, would also tend to keep them in their original force?—Yes, it would.

3851. So that you think instead of making a man a rolling stone, as has been said here, it would tend the other way, by preventing the chief constable from enlisting him?—I think it would; we had great difficulties in keeping men who had been as much as seven or eight years in our force during this last winter.

3852. What are the enlisting wages in your force?—Twenty-two shillings.

3853. What proportion does that bear to the agricultural wage in the district around, and the wage in the town?—I am not acquainted with the agricultural wage, but there are large ironstone and other works in Northampton where boys of 16 and under can go and get 22 s. a-week.

3854. The 22 s. a-week does not bear a very good proportion to the rate of wages in the neighbourhood of Northampton?—No, it does not.

3855. Therefore that is an additional reason why there should be some extra inducement?—I think so.

Colonel Dyott.

3856. You said that boys of 16 years of age can earn more than policemen?—Yes.

3857. At what trade?—Shoe riveting, for one thing, and they need not learn any trade. We have had men leave our own force who had been farm labourers. A man will go and put himself

Colonel Dyott—continued.

under a shoemaker and learn the shoe riveting, and he will bounce and tell us he can earn 5 s. a-week as a shoe riveter more than I can as a serjeant.

Mr. Torr.

3858. Have you raised your rate of wages recently?—There is a movement at present to raise them.

3859. How long ago did you raise them?—I think it was two years ago last January.

3860. And when before that?—I cannot say that.

3861. Therefore you have only had one rise of wages in the last five or six years?—I think we have had two rises of wages in seven years, as far as I remember.

Mr. Cowper.

3862. Up to what age do you consider men are able to work in your service?—If a man joins the borough force, and continues in it, I do not think he is much use after 50 years of age.

3863. Is the time longer in counties?—Their work is not so severe in counties as it is in the borough.

Mr. Scourfield.

3864. Are your wages higher or lower than those of the county constabulary?—Taking the advantages the county has over me in the way of house-rent, and so on, there is not much difference.

3865. Do your men go into the county, or do the county constabulary come to you?—I do not recollect any change either way; both headquarters are together, and there never has been a change to my knowledge.

Chairman.

3866. Do you think there would be any objection in the force to a man having to serve a certain time in a rank before he took a pension calculated upon the pay of that rank; by that, I mean, supposing a man has served his 20 years, and has just been promoted to be a serjeant, should he claim a pension upon the scale of the pay of a serjeant, or should he have to serve a certain period in that rank?—I think he ought to serve a period; if he had 20 years' service when he was promoted to the rank of serjeant he should serve 23 years to get the higher pension.

3867. You think he should serve three years in the rank to which he is promoted before he could claim the pay of that rank?—I think so, certainly.

Friday, 4th June 1875.

MEMBERS PRESENT:

Mr. Fairfax Cartwright.
Mr. Cotes.
Mr. Gourley.

Mr. Scourfield.
Sir Henry Selwin-Ibbetson.
Mr. Torr.

SIR HENRY SELWIN-IBBETSON, BART., IN THE CHAIR.

Mr. WILLIAM LAMBERT, called in; and Examined.

Chairman.

Chairman—continued.

Mr.
Lambert.

4 June 1875.

3868. I THINK you are one of the Watch Committee of the borough of Nottingham?—I am.

3869. I believe you are the Mayor of the borough of Nottingham?—I am.

3870. Have you for long had your attention called to the Police Superannuation Fund of your borough, and to the administration of the police of the borough?—I have.

3871. Are you aware of any feeling against the present system existing in the borough among your force?—We have never heard the slightest murmur in our police force.

3872. You have not heard any murmur with regard to the manner in which the pensions are administered?—Nothing of the kind has ever reached the Watch Committee, nor has anything been said outside as far as I could learn, and I took some pains to inquire before I came here.

3873. You mean that there is none of this supposed objection existing in your force, in regard to the system upon which pensions are granted?—Nothing to that effect has ever reached us.

3874. I believe your fund is in a very flourishing condition at Nottingham?—It has always proved ample for the purpose, and has steadily but slowly increased.

3875. Can you state to the Committee what the amount of the capital of the fund is at the present moment?—I believe it is just under 4,000 l.

3876. Do you believe that the income of 924 l. which has been returned to the Home Office as the income of the past year to be about the income of the last year?—Yes.

3877. With a disbursement of 667 l.?—I have not the figures here, but I have no doubt that is correct.

3878. So that, practically, your receipts are above your disbursements?—Yes, from 200 l. to 360 l. annually.

3879. Is that a rate which has been preserved steadily for the last two or three years?—Quite so.

3880. There has been no gradual diminution?—On the contrary, there has been a steady increase.

3881. How are the funds in your borough supported; what contributions go to them?—0.94.

There is, first, the 2½ per cent., which is deducted from men of all ranks.

3882. And with regard to half penalties derived from cases where the police are informers?—Those are paid into the Police Superannuation Fund as well, in part.

3883. Are those penalties which are discretionary with magistrates paid generally into the fund, or are they only occasionally paid into the fund?—As a general rule.

3884. Do you apply to the fund in your borough the fees derived from the service of summonses and the execution of warrants?—We do.

3885. I see in the return that the sum derived in the year from that source was 147 l., but it does not state whether it was applied to the fund or not?—It is.

3886. You are aware that under the law there is power to apply that in boroughs, but not in counties?—So I believe.

3887. Am I to understand that the fund is maintained by the interest on the capital, the contributions from half-penalties, and the deductions from pay, and the stoppages?—Entirely. It is with the addition of the fees from service of summonses and warrants.

3888. Do you think that with those funds your capital will prove self-supporting, and able to meet the calls which are made upon it?—Yes, unless there is some alteration made in the law.

3889. Do you suppose that if a change took place generally in the different forces, and a fixed period of service with a claim for pension attaching to it were substituted for the claim upon arriving at a certain age, the men of your force would wish to be brought under such a system?—It is very natural that they would like it.

3890. The reason why I ask the question is this: under such a change, do you think your fund, flourishing as it is at present, would require any additional assistance?—Certainly; we should soon be insolvent; if the men began to draw upon it after 15 years' service it would necessarily be so.

3891. At present, I imagine the pensions are granted under the Act upon medical certificate for that service?—We have given gratuities after five or six years' service.

3892. Those would be upon medical certificate?—Yes, as incapable of further duty.

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3893. While

Mr.
Lambert.
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Chairman—continued.

3893. While the absolute pensions granted upon the recommendation of the chief constable would not arise naturally until after a man was 60 years of age?—Quite so; we have only a few of those; we have only 120 men in the force.

3894. And of those how many are pensioners?—Thirteen altogether; and we have occasionally given gratuities to members of the force.

3895. I see that there are 16 pensioners returned in this list; but I suppose since this list was furnished there has been some diminution?—Very likely there has been some diminution; I see one was superannuated at 16 and 5-12ths, one at 11, one at 5½ years' service; so that the Committee will see if the men are injured in the service or suffer materially in their health they are pensioned.

3896. Have you an account with you of the pension that was given to the man who was superannuated upon 5½ years' service?—He is 38 years of age, and he receives 15 s. a week; that was a special case in which the man had suffered seriously in his health in the public service, and although he had only served so short a time the pension was given him.

3897. Was that given him in perpetuity?—It was.

3898. You believe that while the system of short service pensions was left as at present in boroughs upon medical certificate on the ground of incapacity from injury or ill-health, a fixed period of service at which the men might claim a pension would very materially increase the calls upon your fund?—It would; I understand the men want to be able to claim a pension or a portion of this superannuation fund after 15 years' service; so much for 20 years, and so much again for 25 years. I believe that has been the recommendation of certain chief constables, and I should say, with regard to that, that if a man could draw a certain pension after 15 years' service, and could then retire from it, I am afraid we should lose some very valuable servants.

3899. Do you think that the same would apply to a term of service beginning by half-pay at 20 years, and rising to two-thirds of pay as the pension of 25 years' service; would that affect it so materially, do you think?—It would no doubt affect it materially, but not so much as beginning at 15 years.

3900. I mean, do you think it would affect the funds so seriously?—Perhaps not beginning at 20 years; our fund perhaps might bear that. I see in the list that I have already referred to, that if the men could claim after 20 years' service, irrespective of age, 10 men would be put upon the fund immediately.

3901. But supposing they could claim half-pay, for instance, after 20 years' service, and that by continuing in the force they would be able to claim a higher rate of pension for a further period of service, one could easily imagine that a good many of the men would remain in the service in order to get that ultimate higher pension?—No doubt a good many of them would.

3902. So that you would not have that immediate call upon your fund?—No doubt. In many cases in which we have superannuated men they have strongly objected to the superannuation; they did not wish it.

3903. When a man gets used to the service, and is still able-bodied, he does not wish to retire?

Chairman—continued.

—If a man had served 25 years, beginning at 25 years of age he is by that time a very good man; in our force we do not wish to lose such a man, because he has all the intelligence and the experience which his work has given him.

3904. The system that I have suggested would enable him to claim at 46 years of age?—Quite so.

3905. Can you tell me up to what age a constable can continue to serve in your force for outdoor duty?—To strike an average would be a difficult thing, because the constitutions of men vary so much; we have in our force very able men indeed after 50 years of age.

3906. I wish to know whether you think the present limit age of 60 is really a fair point with regard to efficiency; that is to say, whether in the case of men who have entered at 20, and who have to remain in the force to get a pension until they are 60 years of age, that 40 years of hard service is not a strain upon the efficiency of those men?—There is no doubt about it; but there are many positions in which an old policeman may be placed in which he is just as efficient as a young man. He may stand at a crossing where you must have a policeman, and for that purpose he is just as good as a younger man, and better; for people pay more attention to old and respected servants than they would do to younger ones.

3907. But if there were that increase of pension there would be the same inducement to a man to leave the service even when he became entitled to a particular amount of pension?—It is wonderful the attachment those men have to the force.

3908. I wish to know whether you think they would still hold on, being induced to do so by the higher rate of pension for longer service; and, whether, being appointed to do work which they felt was not beyond their strength, they would continue in the force?—Perhaps 2 per cent. might share that feeling.

3909. That would not be so great a strain upon your fund as if 15 years were the period?—Certainly not.

3910. Supposing such a change took place, would you see any objection to supporting the fund in your borough?—If we found it necessary, there could be no objection to it.

3911. Would there be any objection from your point of view to apply to the fund the sums derived from the service of summonses and the execution of warrants?—No, I do not think there would be.

3912. At present those monies are paid over to the borough fund?—They are.

3913. If it was necessary to maintain the fund, I suppose the other half penalties which at present go to the borough fund might be applied in this way?—Yes, they might.

3914. Would you see any objection to its being made by Act of Parliament impossible to trench upon the capital of the fund, and that the fund should be supplemented annually by a certain per-centage from the income before you began to deal with the expenditure, until the fund arrived at an absolutely solvent condition, and supposing that a deficiency should exist in any given year by the expenditure exceeding the remainder of the income which was not passed to the capital fund, that that should be made up out of the rate of that year?—I could see no objection to its being made up by the rates.

3915. That

Chairman—continued.

3915. That the deficiency of that year should be charged to the rates of the year, until by a gradual slow process you had arrived at establishing a capital fund sufficient to bear the pensions that would fall upon it?—I can see no objection to that whatever.

3916. Why I ask that question is, that under the present law I believe the rates cannot be charged with any sums for the expenditure in any year until the whole of the capital stock is expended, and that, therefore, as soon as you are in the position of having an expenditure larger than your income for the year, you would be driven to trench upon your capital, and steadily decrease it until you became bankrupt?—Quite so.

3917. I wanted to ask you whether you thought the authorities of the borough would object to a system which set up by degrees the capital of the superannuation fund, and supplemented any loss which might occur, until it became self-supporting, out of the rates?—I do not think there would be any objection to that, but it is calculating upon a condition of things of which in our own experience there is no probability; there seems to be no likelihood of our having to come upon the rates.

3918. I think your fund was established in 1859?—That was the date of it, I think.

3919. I do not know whether your attention has ever been called to the statistics of Dr. Farr with regard to the superannuation funds, as to the amount of capital per head required, and also with reference to the amount of capital required in order to create a fund upon the existing scale of payments?—I believe I remember reading some report of his, in which he estimated it at something like 80 l. or 100 l. per head.

3920. Your present capital does not amount to half that per head, I believe?—It does not.

3921. What I wanted to call your attention to is, the fact that your fund was established in 1859, and that consequently it has not arrived at the period at which Dr. Farr stated in his Report the real pressure and strain arose, namely, after the 21st year?—But I believe that those who were in the force before that time, were allowed to reckon one-third or half the time they served towards their superannuation.

3922. That is a great strain upon your fund?—But still it is able to meet it.

3923. It is able to meet it, because you have only been in existence so small a number of years?—I am speaking the feeling of our committee, when I say that they are adverse to making any change in the state of things existing at present; they hoped when I came that I should urge that as far as I could.

3924. Could you give the amount of your contribution to this fund, per head, annually?—The average wages of an ordinary constable would be about 25 s. per week.

3925. But I want to know whether your force contributes that absolute sum which Dr. Farr states to be necessary to maintain the force, namely, 8 l. a man, not made up out of deductions of pay only, but made up out of deductions of pay, and all other increments to the fund?—I do not think it is as much as that; it is about 7 l., I think.

3926. Your receipts last year were 950 l.—Yes.

0.94.

Chairman—continued.

3927. So that you are very nearly receiving the amount which is required to make the funds self-supporting?—Our fund is not only self-supporting, but steadily increasing.

3928. And yet you do not, as you say, apply the contributions you receive from the service of summonses and the execution of warrants?—I expressed myself as uncertain about that; I said I thought we did not.

3929. With regard to the point of men carrying their service into other forces, do you see any objection to the present system of allowing men on promotion to take half their service; would you alter that in any way?—I think, on promotion, a man might count half his service; I think it is only fair; but I should certainly discourage as far as possible a man migrating from one force to another; I should strongly oppose that.

3930. As I understand it, there is an objection taken to the present Act, because it limits the amount of service which can be carried on promotion to half previous service?—I think although a man has been a very good servant to one body of police, and gets promoted to another, he should still only be allowed to carry half his service.

3931. Would you see any objection, in cases in which a man is promoted from a force in which he has given satisfaction to another, with the consent of both parties, that he should carry his whole service?—It seems rather ungenerous to the man not to allow that; but when a man has been trained and become an efficient officer in your force, he would leave you and would come for part of his superannuation upon your fund, I suppose.

3932. I am taking the case of a man who has been promoted from your service by your own consent; therefore, do not you not think it would be fair to him to allow him to count the whole of his service for superannuation. At present he can count only half in that case?—I think he should count only half in any case.

3933. Do you see any objection to a change being made upon another point to which our attention has been directed, and that is when a man has been killed in the service; at present the law enables you to give a gratuity to his widow; but supposing he is killed and leaves no widow, you have not power of giving the gratuity to the children who may be dependent upon him. Do you see any objection to altering the law upon that point?—None whatever, in the form of gratuity given to the children.

3934. That the children under a certain age dependent upon the father, should, upon his being killed in the service, be entitled to take just as if the widow was alive?—Yes; I think it is a sort of generous consideration which the men ought to have.

3935. You think upon that point the law might be fairly altered?—I do.

3936. Is there any other point to which you wish to call attention with regard to the superannuation question as it affects your borough?—No, I do not know that there is. The way in which it is has been carried out in our borough has been so satisfactory to all concerned, that we never had the slightest murmur from the men; our fund has been able not only to meet all demands upon it, but has increased, so that we should be extremely glad to let well alone. But in regard to this matter that you have mentioned,

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Chairman—continued:

tioned, of giving a gratuity to the children of a policeman killed in the service, who are unable to earn their own livelihood, I think that would be a proper thing to do.

3937. With the exception of amending the Act in these small particulars, you think that your watch committee are satisfied with the existing state of things, and are not aware of any dissatisfaction in your force?—Not at all; and if our chief constable thinks of anything which would improve the force it is always listened to with respect, and nine times out of ten we comply with his suggestion, because he is a very able man.

3938. Do you find it difficult to get men into your force?—I never heard anything of the kind; we consider our present chief constable an exceedingly good man; he is very proud of his force, and they are a very fine body of men. Captain Elgee, when he came down the other day, complimented him upon the fine appearance of the men.

3939. You think the men are so satisfied that this question of pension does not effect their staying in the service at all?—I do not think that it does; I have asked several of the oldest members of the watch committee. I wished to be armed at all points as far as I could, and they said they had never heard of any complaints of this kind before, nor even now.

3940. Do they change rapidly in your force?—Many leave after a short time; some young fellows who come, and expect to get a sort of gentleman's life, and think they would like to walk about in these fine clothes are undeceived; but if they get over the first two years they generally remain.

3941. You find that the men, as soon as they have got to find out what the service is, do not change rapidly?—They do not.

3942. What rate of wages do you enlist upon?—Twenty-three shillings a week is our lowest wage.

3943. How does that bear comparison with the average wage of the district in other employments in the town or neighbourhood, which would naturally be your competitors?—We should not get them from the town; our police are not our townspeople; as a rule, they mostly come from Lincolnshire and North Derbyshire; we could not get them from Leicester; they get too much money there. In the lace and hosiery trades they average 50 s. a week all round, so that we could not expect to get them from there.

3944. Notwithstanding the competition of that higher rate of wage for men, you do not find, after they have been a certain number of years in the force, that they are tempted away by those other employments?—No, that is skilled labour; they could not do it.

3945. But I should like to know, with regard to those employments which are not skilled?—But the agricultural labourers' wages about Nottingham are as high as in almost any part of the kingdom; they get from 19s. to 25 s.

3946. Still the rate of wages you give on enlistment is sufficient to keep your men there unless they leave from dissatisfaction with the duties, the nature of which they were not aware of on enlisting?—Perhaps the discipline is a little too strict for them, and they want a little more liberty. I believe that is the sole reason for their leaving; but if they stay for 24 months, they are almost sure to go on for many years.

Mr. Torr.

3947. How is your fund invested?—Our fund is invested in the borough in corporation securities.

2948. What rate do they allow for that?—Four per cent; we can borrow as much as we like from other sources at that rate; therefore we do not give them more than that.

2949. In this sum of receipts, amounting to 900 l., I suppose the interest upon your capitalised sum is included?—It is included in that.

3950. You stated, in answer to the honourable Chairman, that if a man were promoted, you would allow him half his time. Suppose a man had served a certain number of years in another force, and came to your force, would you allow him anything for that time?—It is rather a difficult thing; the question would be, who would pay the pension in that case; from what fund would it be drawn; part from one, and part from the other?

3951. If a man has done his duty well, and become an efficient officer in your force and goes to another, having served 15 years in your force, you escape that liability; it is the force to which he goes which has the larger sum to pay?—I should not have the least objection to allow him the whole time in that case, with that proviso, because it is optional with the force to which he goes to accept him or not.

3952. With regard to the number of years' service, you are content with the present scale, are you not, altogether?—Our men are content with it, and of course we are content, because if they ask for anything earlier, it would be a so much greater strain upon our fund; if a man when he is comparatively a young man can claim his pension at 25 years, he will go and keep a public house or undertake some other employment. There is plenty of employment for which they are fitted at 50 years of age.

2953. You think under no circumstances a man should be pensioned below 25 years' service?—Unless under special circumstances, not while he was what you may call a healthy and able man.

3954. Unless upon a medical certificate that his health is failing, or that he has been injured?—Quite so; my reason for arriving at that conclusion is, that a man is being paid as well as he would be paid in any other occupation, and I do not see why you should be desirous to pension him off whilst he is capable of doing a good day's work.

3955. What pension would you allow a man at 25 years' service?—I would allow at least half pay, I think.

3956. What would you allow at 30 years?—I think then that a man might have two-thirds of his pay; but you see we have not done anything of the kind in Nottingham; if a man has been really incapacitated from doing his duty, we have superannuated him; we do it when we think a man really requires it.

3957. But you suggest that if a general rule were laid down for the police of the country, your police would wish for an earlier time?—They are never averse to anything being done for them; they are just like everybody else; they are glad to have anything done for their own benefit.

3958. You would allow a man half his pay at 20 years' service, and two-thirds at 30 years; would you allow a pension to go beyond two-thirds

Mr. Torr—continued.

thirds under any circumstances?—Never, under any circumstances; but I should say that I have been asked this question, without having given it much thought.

3959. Do you think that your superannuation fund would be adequate to a drain of pensions founded upon those years' service?—I think it might bear just that, but not more. I do not mean to say that I recommend that when I say that the superannuation fund would bear it.

3960. Would you couple it at all with the age of the recipient; that is to say, whether he enlisted at 20 years of age or whether he enlisted at 30 years of age, you would make no difference with regard to the number of years' service?—No, I am not sure whether it is the best thing to be done in this case, to begin to promise these pensions at a certain age at all. This question has come from other quarters. I did not come prepared to recommend pensions at all, though if asked whether a man might claim a pension at 25 years' service, I should say I think some pension I might be allowed.

3961. With regard to the pension question *per se*, is not the pension an inducement for men to remain with you?—No doubt it is, after they have been in the force for some years.

3962. Then with regard to the substantive question whether there should be a superannuation fund or not, you would be strongly in favour of a superannuation fund?—Most decidedly.

3963. And that it should be raised to a condition of solvency?—Yes; but it might be argued from that, that I had said that every superannuation fund should be in a state of solvency only at 80 *l.* or 100 *l.* per head upon Dr. Farr's computation, whereas our fund has proved solvent at less than half that amount; our fund is ample at present, and we do not want it meddled with; if you make a law for those places that do not keep their funds in a solvent condition we should not object to that.

3964. Under the present law, no one can claim a pension until he is 60 years of age?—It is so.

3965. But if a man enlisted at 20 he would have to serve 40 years; do you believe that that prospect is discouraging to a man?—I believe it is too long a period of service.

Mr. Gourley.

3966. What is the average age of the men composing your force?—I should think, running my eye hastily over the figures, about 35 years.

3967. Therefore you have some long service men in the force?—Yes, we have one, a serjeant, who has been 29 years in the force and another 28 years; and then we come to ordinary policemen; one 27 years, another 23, and another 20.

3968. How long have the bulk of the men been in the force?—They would average all round, I should think, from 10 to 11 years.

3969. Of course in 10 years from this time, in all probability, you would have a much larger proportion of men requiring to be superannuated than at present?—Yes, no doubt there would be sure to be some; but if the men were to claim at 25 years, irrespective of age, there would be two or three of those upon this list who would claim directly.

3970. You are not in the habit of paying them at 25 years?—Not as long as they are capable of

Mr. Gourley—continued.

doing their duty; I do not understand the sudden feeling with regard to pensioning those men; a man gets paid as long as he does his work, as well as any other man working in the country; he is liable to be knocked about, certainly; but he gets higher pay for that.

3971. Do you consider that a man who has entered the force at 21 is capable of performing his duty up to 60?—Some men are; especially if you are careful in picking out the oldest men, and giving them duty for which they would be just as well fitted as the young men.

3972. You act upon this principle, that as long as a man is fitted for duty, you do not give him any superannuation, but keep him on duty as a policeman?—Yes; but directly he is superannuated he gets the full two-thirds of his pay.

3973. That is directly you think he is unfit for duty?—Yes.

3974. But you do not have any rule by which you consider him unfit for duty?—You cannot; men's constitutions are different; one man may be a very active man at 55 years of age, while another, of course, would be thoroughly used up.

3975. There is no doubt of this, that the solvency of your fund arises from the fact that you continue the men as long in the force as you think they are able to perform their duties before granting them any superannuation?—Certainly; we have never heard any complaint against the system yet.

3976. Supposing the age to be fixed at 25 years, and that a man should not serve longer than 25 years before being entitled to come under the Superannuation Act, or to receive a superannuation allowance, would your existing revenues be sufficient to meet such a change in the law?—It would put it to a rather severe strain, I admit, but it might meet it.

3977. In the event of any such change being proposed to Parliament, how would you propose to increase the various revenues to make the fund solvent?—If that were made the law, we should be compelled to get it from some source or another.

3978. The meaning of my question is this: would you propose to increase those revenues by a direct charge upon the ratepayers, or by further moieties of penalties which now go to the county treasury?—It would matter very little which way we did it; it would come out of the pockets of the ratepayers, as now.

3979. Supposing a charge was made directly upon the ratepayers for police superannuation purposes, do you think the ratepayers would be willing to pay it?—They must; but they would begin to wonder why the change was made when the thing was working as well as it does, unless, as I say, you are going to alter the system of payment. I remember very well when there was some little complaint made to the watch committee about the superannuation fund, the men said, "Yes; but you see we have to pay 6 *d.* a week out of our wages," and the wages were raised 1 *s.* a week, on purpose to enable them to pay this 6 *d.* a week into the superannuation fund, in order that there should be no murmuring upon the subject. I remember when the men first came in at 18 *s.* or 19 *s.*, and now they come in at 23 *s.*; but I remember particularly that special shilling being given on account of the superannuation fund.

3980. Do you believe that if the men were relieved from this contribution, you could get men

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Mr. Gourley—continued.

at a lower rate of wage than at present?—I do not think that would make any difference.

3981. Supposing a man's wages are 20 s. a week, and you proposed to relieve him of the 2½ per cent. deduction, do you think you would get him for 19 s. 6 d.?—No, I do not think a trifle like that would make any difference in the stamp of the man you would get.

3982. In the event of the superannuation fund being increased, do you think the men ought to contribute more than they do at present?—I am not sure that they should not do so. If the prospective advantages are so much greater, I do not know why they should not contribute a little more.

3983. In the dockyards, and other service where the men have continual employment and the prospect of superannuation afterwards, they work for a much lower rate of wage than men do in private yards, do they not?—I do not know whether they work so hard in the public dockyards; it would occur to me that in private yards they get a little more out of the men; that may be one reason why they work for less in the Government yards; in the private yards they generally get the last shilling out of them.

3984. The same thing does not apply to the police force?—No, it does not; I believe they are liable to less danger sometimes in the provinces than they are in the City of London, in certain quarters at any rate.

3985. I think you said you had not many local men in connection with your force, that the men were nearly all from other districts; is that in consequence of what you said that the wages are so very high in your force?—They are considerably higher than they were two or three years ago; our chief constable was telling me the other day that he got a good many men from Lincolnshire and North Derbyshire.

Mr. Torr.

3986. It appears that your force was established in 1836, and your superannuation fund

Mr. Torr—continued.

was only established in 1859; do you know whether any of those 16 pensioners were men who were in the force before the foundation of that fund?—Yes; I have one pensioner who served 26 years; so he must have been in the force before that; he was 57 years of age on his discharge, and he receives 1 l. a week.

Mr. Gourley.

3987. How do you regulate the payments of your superannuation fund, are they made in accordance with the rank the men may have held or in accordance with the rank they hold when they retire?—The rank that they hold when they retire.

Chairman.

3988. Personally, you do not wish for any change in the existing state of the law?—We do not want to be interfered with at all. I have simply stated all the facts as far as I can; we have gone on so pleasantly with our force, we have been able to get as many men as we pleased, and they have been so perfectly satisfied with our government or the government of the watch committee that we do not wish for any change.

3989. At the same time I should like you to bear in mind that very important element which exists in relation to the success of your fund; that is to say, the short time you have been in existence, and that the drain upon the fund by pensions will be very much greater in five or six years than it has been at any time during its past history?—It will be considerably heavier.

3990. And should a drain of that kind turn the balance and lower your income, your watch committee might not so much approve of the condition of the fund?—They would find some means to keep it solvent.

3991. At the same time your watch committee and yourself are very alive to the necessity of a self-supporting fund?—That should be so. I know it is not so in a great many places; ours being in that condition, we should be very glad not to be interfered with.

Mr. ALFRED NORMAN, called in; and Examined.

Mr.
Norman.
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Chairman.

3992. I THINK you are the Mayor and also the Chairman of the Police Committee of Devonport?—I am.

3993. As such, for some time I believe you have had your attention called to the superannuation fund of the police?—I have; from time to time the subject has cropped up.

3994. I see by the return which was sent to the Home Office that the superannuation fund has only been existence for nine years in your borough?—Since 1861, I believe.

3995. It is 1866 in the return?—That is an error; it was established in 1861.

3996. Therefore it has been in existence 14 years?—That is so.

3997. Your capital fund is increasing still, I think, slightly?—Very slightly indeed.

3998. Your income, which is returned at 207 l., is in excess of the expenditure of the year?—It is.

3999. Do you think that the number of pensioners which you have at present upon your list

Chairman—continued.

is the proportion which will be the average drain upon your fund?—No, certainly not.

4000. You think that it will be increased?—I think that in a very short time we shall have to add four additional pensioners to the list.

4001. Will those be pensioners from length of service?—They will.

4002. When an additional strain of that kind comes, do you think that your present income will be sufficient to meet the strain?—I do not.

4003. Has it occurred to you that it would be necessary in any way to supplement the fund?—It must be done in some way; I do not think that we shall retain our men otherwise.

4004. I ought first to have asked you whether you think the superannuation fund is of service in maintaining an efficient force?—Very decidedly.

4005. You think it is an inducement for the men to remain in the force?—It is a very great inducement; there has been a certain amount of discontent in the force upon that very point for some time.

4006. I will

Chairman—continued.

4006. I will come to that presently; but I would ask you if you think the strain will come, and that the fund will not be self-supporting when it does come, how would you suggest that your present mode of supplying your income should be increased?—At present, as I believe you are aware, one-half of the fines and other matters go to that fund.

4007. Half the fines in cases in which the police are informers?—Yes; I will give you a list of the various sources of income; the receipts consist of the following items: stoppages from the pay of the police not exceeding $2\frac{1}{2}$ per cent.; stoppages from sick police and from police fines.

4008. Those are under the Act?—They are under the Act. One-half of the fines for drunkenness imposed by the Bench, and the same for assaults upon the police, and to informers upon summary convictions, and there is a certain amount of cash received from the sale of old clothing, and that is all.

4009. Do you apply, or not, the money derived from the services of summonses and the execution of warrants?—We apply one-half of the fees.

4010. In the same way that you apply the half penalties?—Yes.

4011. The return sent in to the Home Office, I see, makes the sum contributed to the fund from the half penalties on drunkenness and other cases in which the police are the informers only 15*l.* 10*s.* 11*d.* in the year; does that arise from the fact that the magistrates, acting upon their discretion, do not sometimes order these sums to be paid over, or is that the half of the total amount?—It is the ordinary rule with us to divide it equally.

4012. Then 31*l.* represents the whole penalties of the borough in that year?—It is so.

4013. In the same way, 16*l.* 10*s.* 6*d.* is the half amount for the service of summonses and the execution of warrants in the year ending 1874?—That is so.

4014. So that those two sums do not form any great addition to your fund?—The amounts in that year received were stoppages from police pay, 67*l.* 13*s.* 6*d.*; service of summonses and execution of warrants, 15*l.* 0*s.* 6*d.*

4015. There is a little discrepancy between the two sets of figures?—This is brought up to the 31st of August; the amount of fines imposed by the Bench was 12*l.* 9*s.* 5*d.*; notices for licenses, 15*l.* 3*s.*, and for the sale of articles found and not owned, 2*l.* 14*s.* 2*d.*; that makes a total of 113*l.* odd. In five years that simply gives an average of 116*l.* 12*s.* 10*d.* from those sources, which certainly would not be sufficient.

4016. Now, with that income, how would you suggest that it should be supplemented, in order that your fund might be put into a better condition, and be more able to meet the drain you anticipate?—It can only be done, I imagine, by a special additional rate, and, instead of dividing those penalties, letting them all go direct to the fund.

4017. Do you think it would be considered objectionable in your borough that the whole of the penalties, in cases where the police are the informers, and the whole of the earnings of the police in the service of summonses and the execution of warrants, should be so applied?—I think not; I think it would be more just to the ratepayers, eventually.

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Chairman—continued.

4018. Would you see any objection to the amount earned by the police in issuing pedlars' licenses, being so applied?—I think they should be all so applied.

4019. You would apply all the earnings of the police, and the penalties in all cases where the police are informers, to the superannuation fund?—I think so; I think the borough would be better for it in the long run.

4020. I should like to ask you, as I asked the last witness, would you, feeling that a superannuation fund is a necessity for your police force, see any objection to altering the law, so as to prevent any drain upon capital, whilst you made it obligatory upon the borough to supplement that capital annually, so as gradually to increase your permanent fund, out of which those pensions would be paid?—I think not, excepting that it would be difficult, I imagine, to arrive at what that fixed sum should be; we should never know exactly the number of pensions which would come upon the fund.

4021. That would be an actuary's business to estimate?—It would.

4022. And I imagine that when some estimate founded upon calculation is arrived at, you could always guard against the fund being too large, by giving power, upon the application of the watch committee or of the town council to the Secretary of State, to return the supplemental fund back to the rates?—I think there should be no difficulty in the matter; it is a matter of account.

4023. Then comes the important point which I should like to ask you; whether, if such an Act was passed, and there should occur, as probably there would, a deficiency in the income of the year, after you had paid the expenses, you think the borough would object to supplement that by a contribution from the rates of the year?—Answering for myself, I think not.

4024. You think that there would be no real objection upon the part of the authorities?—I think not.

4025. That knowing that you were gradually establishing a self-supporting fund, they would sacrifice a certain amount of the present rates, in order to meet the expenditure until the fund was established upon that basis?—My personal feeling is, that they would have no such objection.

4026. Now I wish to ask you about the existing system of pensioning the men; are you aware in your borough of any dissatisfaction, not with the manner in which it is administered, but with the uncertainty of the existing pension system?—That is just the main point; it is the great uncertainty which the men feel about their retiring pensions.

4027. I imagine what the men complain of probably in your force is, that though they are perfectly satisfied with the way in which they are dealt with, still there is such an element of uncertainty about it, that they cannot look forward to their pension, as they would wish?—I think that may account for a good many of the changes which we have had.

4028. You have had a good many changes in the force, have you not?—Yes.

4029. Do those changes occur in the case of men after they have been some time in the force, or principally with recruits?—We have now several fresh young men, but higher rates of pay have been offered by towns in the North of England,

Mr.
Norman.

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Chairman—continued.

land, and some have moved off to the metropolis.

4030. Were those who left you men who had been some time with you?—Yes, some few years, but not very long.

4031. Do you think that the fact of their pension not being a pension upon a fixed period of service, but having this element of uncertainty about it, has at all influenced those men in leaving?—I think to some extent that the higher rate of pay offered has induced some of the men to go.

4032. Do you consider that if the converse had existed, and they had had a certainty of pension after a fixed period, they would have resisted the temptation of the momentary higher wage, and would have remained in your force?—I think it is highly probable from my experience of the force.

4033. In that way it would add to the efficiency of the force, because you would retain men whom you had trained in your force?—Certainly.

4034. Do you think that the town would see any objection to establishing a period after which a police officer might claim his retiring pension?—There is a difference of opinion amongst the men as to the time.

4035. But I mean in the view of the watch committee, do you think they would object to a fixed period of service being laid down?—I cannot speak decidedly with reference to the opinion of the watch committee upon that point; I think there is a difference of opinion upon it.

4036. Do you know what time the men think is the proper point at which they should be entitled to claim a pension?—The certainty of the thing is what they most press upon us, but I think the men would be satisfied in getting the same scale as they now have; we have four pensioners at present, two of whom have served over 20 years, and are getting two-thirds of their pay; the other two have served more than 15 years, and for that reason, and their good conduct, they are receiving one-half.

4037. Were they pensioned upon medical certificate as being incapacitated from ill-health?—From failing health.

4038. After 15 years' service?—Yes.

4039. At present, in your borough, you are paying half pensions upon 15 years' service, and two-third pensions upon 20 years' service, always presuming that it is discretionary with the watch committee?—Yes; it is quite discretionary, and a pension may be refused altogether.

4040. That is what you are giving in those two cases?—Yes.

4041. Then I imagine you would not see any objection to that rate being attached to a fixed period?—No; what the particular rate should be I am not prepared to say; but I think that a man who has served well for 15 years is entitled to pension.

4042. You think that he ought after 15 years good service to be entitled to say, I have done my work now. I have done you good service, and now I ask you to give me a retiring pension?—Yes; I am not prepared to say what the proportion should be, but he should be entitled to it if he had served in one force throughout the whole time.

4043. You think that it would be a great inducement to remaining, if they had some such

Chairman—continued.

certainty attaching to their pension?—I am quite sure of it.

4044. Do you see any reason to object to what has been suggested with regard to the promotion of a man from one force to another, and counting his service on promotion?—I do not think the practice would be for us to take a man counting his service in another force; we should obviously be doing ourselves an injustice if we were to allow his time in a previous service to count against our fund.

4045. At present, I suppose, you do allow what is given under the Act; that is to say, if a man is promoted from another force into your force he can carry half the years of his service into the new force, provided he has been seven years in the old force?—I believe it is so; I am not quite certain as to the law.

4046. That is the law under the Act. At present a county officer is promoted, we will say, to being head constable of a borough; he has served 15 years in a county force; he is promoted to this head constableness of the borough with the consent, of course, of both forces, with the recommendation of the force he leaves, and with the assent of the borough force, who take him because he is a good officer. By the law as it at present stands he counts seven years of his present service in calculating his ultimate pension which would come from your force. What has been put before the Committee is, that it is unfair upon a man who, because he is a good man, is promoted to this other force, that he should only be allowed these seven years. It is urged that as it is by the consent of the borough into which he goes, he should not be mulct of the other seven years, but that they should take him with his engagements, and at the end of his time, when he is superannuated, he should be allowed to claim the whole of his previous service; do you concur in that opinion?—I think, so far as I understand, that would be hardly fair; he accepts this new appointment of his own seeking.

4047. On the other hand, the borough accept him, because they want his service?—But the question is whether they would take him, knowing that.

4048. But he is a good officer, and you are anxious to get a man with a good character; it seems hard upon that man because he is promoted, not because he so much wishes to go himself, but that the borough wishes to get a good officer, that he should, at the end of his service in the borough, be mulct of the service he had given to the country?—I think under those circumstances special arrangements should be made upon his election.

4049. With regard to the point of the gratuities, do you agree with the last witness that there would be no objection to altering the law so as to allow of the gratuities upon the death of a constable being given to children if there was no widow, or would you confine it to the widow, as at present?—We have cases already in which 40*l.* was voted in one case and 5*l.* in another: one was to a widow.

4050. That is according to the Act?—*£*5 was voted to the widow of a police constable, and an old serjeant who did not receive his pension was voted 40*l.*

4051. That was a gratuity to a man whilst alive?—Yes.

4052. What I wish to call your attention to is in

Chairman—continued.

in cases where an officer is killed whilst in the service; at present there is a power under the Act to grant a gratuity to his widow, but it is limited to the widow, and supposing that when he dies his wife is not alive, and there is no widow consequently left, though he may have children dependent upon him, they cannot take the gratuity; would you see any objection to altering the law in that sense to allow of the children taking the gratuity?—I should desire to alter the law in that case. I think it would be only fair to extend it in that sense.

4053. Could you state the proportion of the men who leave your force annually at present?—I am not able to answer that question; it is difficult to get a fair average; latterly I have observed that several new men have entered.

4054. There is only one other point I should like to ask you about, and that is upon a question raised in the Report of Captain Willis upon the borough of Devonport, in which he refers to the suppression of cases which are taken by the police to the watch committee before going before the magistrates?—I do not know the Report that you refer to.

4055. I refer to Captain Willis's Annual Report to the Home Office?—He refers, I presume, to cases where the watch committee have the first hearing of the particulars of a case, and may or may not permit it to go before the Bench.

4056. I will read the report to you, as it is a serious allegation, and I should like to hear your comments upon it. Captain Willis says in his Report: "Before dismissing the subject of licensed houses, I beg to mention that I have considered it my duty to draw your attention in my Report on the state of the Devonport police, to the system which has been adopted by the watch committee of preventing the head constable from reporting to the magistrates, or from applying to them for summonses for offences against publicans and beer-house keepers, before submitting such complaints to themselves, or a committee appointed for the purpose. It appears to me that such order is an usurpation of the authority granted by law to the justices, and that the watch committee have no more right to prevent the police from taking complaints against licensed houses before the justices than they could have to prevent them taking felony cases. In corporate bodies it frequently occurs that persons who are interested, both directly as well as indirectly, in the spirit and beer trades, are elected to be members of the town council, and if any such are members of the Corporation of Devonport, it must be manifest how unjust such an exercise of authority, as I have before stated, must be, and how completely it must annihilate all independent action on the part of the police. I have stated in the Report that out of nine reports against publicans the committee only allowed one summons to be applied for, and that out of 14 against beer retailers only three were allowed to be applied for; but these 23 complaints were not the only complaints the police had against licensed houses; they were selected cases, in which it was considered that the complaints could be fully substantiated by the constables before the justices." Is that really the history of the police complaints against licensed houses in the borough?—I can hardly say more than that I have for a very long time personally thought that the present mode was not only useless, but very in-

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Chairman—continued.

jurious. I have set upon the bench for about 15 years, and I have seen a very great deal of it.

4057. I imagine that the watch committee consider that they have that power under the Act, which gives them power to supervise the police district under their charge?—The position of the watch committee with regard to the Bench is somewhat of an anomalous position.

4058. You are a magistrate, I believe?—I have been a magistrate 15 years.

4059. Therefore you speak from both points of view?—I do.

4060. In the administration of justice, if carried to any extent, such an assumption of authority upon the part of the committee might be very injurious?—I do not mean to say that it has happened, but I apprehend that the present system is very injurious and useless.

4061. Do you see any objection to removing from the watch committee that discrimination in reference to cases and leaving it to the magistrates?—I am in favour of removing it from the watch committee. I should wish all these applications to be brought before the magistrates entirely.

4062. Supposing that this is not a stretch of authority?—That is my own feeling. I know there is a strong feeling upon both sides, but that has been my opinion for many years.

4063. And that such if a state of things exists, it interferes materially with the operations of justice and the working of your police force?—It does.

Mr. Cotes.

4064. I want to call your attention to the return you have given us of the half penalties inflicted for drunkenness which you gave the Committee as 12*l.* 9*s.* 5*d.*?—That was in the year ending 31st of August.

4065. In the Return before me I find that in the adjacent town of Plymouth, similar fines reach the sum of 145*l.* 2*s.* 11*d.* There are 50 men in the force of the borough of Devonport, and 82 in the borough of Plymouth. Can you explain the enormous difference between the two sums?—Not in any way.

4066. I think, in answer to the honourable Chairman, you said you believed it was the invariable custom of magistrates to permit the application of half penalties to the superannuation fund?—Invariably, I believe; but I cannot account for the difference between the two amounts.

4067. Is there anything in the town of Devonport likely to account for it?—The population is much larger in Plymouth.

4068. But surely we should get at the relative populations by comparing the number of police in the two boroughs?—I cannot account for the difference.

4069. To judge by that test, the population would be as five in Devonport to eight in Plymouth, whereas the returns here are as 12*l.* to 1*l.*?—I cannot account for it.

Mr. Gourley.

4070. When men are discharged from men-of-war, where are they paid off, at Devonport or Plymouth?—At Devonport always.

4071. Where have you the largest number of public-houses, in Devonport or Plymouth?—I should think the proportion was very much smaller in the borough of Devonport than in Plymouth.

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Norman.

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Mr. Gourley—continued.

Plymouth. I know that when the sailors are paid off they are in the habit of getting at once into hackney coaches and driving into Plymouth; it is an old custom of theirs; they do not remain in Devonport very long.

4072. You stated that in the cases of offences on the part of publicans the police were not allowed to get out summonses; but are not those offences brought before magistrates at their weekly meetings?—We should not hear of them; they would go before the watch committee first if there was a complaint, and then afterwards, if it was permitted, they would come before the Bench.

4073. Have not the magistrates power to order the chief constable to bring before them all complaints?—Not in that case. Of course, if there was an assault, or any other kind of offence, connected with the house, it would be another question, and be brought before us; but such cases as you refer to go before the watch committee first.

4074. Your rule is different from ours. In Sunderland, we request the chief constable to bring all cases before the Bench; not to summon all cases, but to make a report of all cases under the Licensing Act to the magistrates?—I do not know what exceptions there are.

4075. I suppose one reason why your fund is in such a bad state is in consequence of your losing so many of the penalties to which you are entitled under the Licensing Act, by your police not being allowed to summon offenders?—I have no doubt that is one of the things which operates to produce the result. I think I stated that we shall have to pension four more men almost at once.

4076. When you pension those four more men, what will be the condition of your fund; will you have to make a demand upon the rates?—I suppose that will be the only way; I do not know what we can do else.

4077. Do not you think you can ask the magistrates to demand that the existing Licensing Act shall be put more strictly into force?—I think an alteration ought to be made, though I do not know how it is to be brought about exactly.

Chairman.

4078. My object in calling your attention to that Report, was that the conduct of the watch committee, connected itself with the income of the superannuation fund, and that the small amount of the penalties seems to be one of the reasons why the fund is getting into a bad state?—I wish to make no charge against the members of the watch committee, but I think it is a system which is objectionable.

Mr. JOHN HASWELL BROWN, called in; and Examined.

Mr. Gourley.

Mr. Brown.

4091. You are the Borough Accountant of Sunderland, I believe?—I am.

4092. And have been so since 1853?—I have been so since 1853.

4093. Since that time, you have taken charge of the borough accounts?—I have.

4094. And you have given great attention to the funds under the Acts of 1848 and 1859?—I have.

Chairman—continued.

4079. And one which may tend so far to diminish the supplies of your fund, as ultimately to bring it to bankruptcy?—I think it would tend in that direction.

Mr. Gourley.

4080. For how many years do you think a policeman can properly perform his duties, if he enlists about the age of 21?—The period varies very much indeed; but I should say that a man, after 20 years' service, has generally seen his best days, if he entered the force young.

4081. You have light work, in which such a man could be properly employed, have you not?—There are certain duties to which he might be told off, such as being constable of a park, and work of that description; but for night duty, I do not think a man would be much use after 20 years' service.

4082. Do your police do any of the dockyard duty?—No; they do nothing whatever in the dockyard; they simply act in the borough.

4083. Have they any connection with the dockyard force?—No, that is quite distinct.

Mr. Torr.

4084. I think you stated that you had not made a calculation at all, as to how your fund should be subsidised?—I have had very little time to prepare for this examination, and I have not gone into detail upon those matters.

4085. But your ideas of pension are what we should call liberal, that is to say, you think a man, after serving 15 years, should be entitled to claim a pension to some extent?—To some extent.

4086. Are you prepared to say to what extent?—I am not prepared to answer that question.

4087. Would you say that a man should have half his pay as pension after that time?—About that. I would not say exactly, but I think it is more a certainty than anything else that men care about.

4088. And what pension would you allow after 20 years' service?—I should let that stand at two-thirds, and if a man appeared to be strong and wished to do his duty, and to remain in the force, I think a still larger portion of his pay might be given possibly at 25 years; I would not limit it to that.

4089. Would you at any length of service go beyond two-thirds?—Yes; I think if a man did his duty faithfully for 25 years, the pension might go beyond that even; but, of course, the exact proportions would require a little care and attention in working out.

4090. You have not formed an idea of the amount of superannuation fund which would be required to meet such expenses as that?—I have not worked that out at all.

Mr. Gourley—continued.

4095. When was your fund established?—In June 1848.

4096. Therefore, immediately after the passing of the Act of 1848?—I presume it was suggested by the circumstance of the Act having been passed; a month or two had expired, I think, between the passing of the Act and its adoption.

4097. How have your receipts and payments been regulated during the whole of that period?—They

Mr. Gourley—continued.

—They have been regulated according to the provisions of the second and third sections of the Act of 1848.

4098. How have you regulated the payment of your gratuities?—That is provided for under the Act of 1859, no provision with regard to them appearing in the Act of 1848.

4099. You have regulated your allowances for gratuities under the Act of 1859?—Yes, but they are left in the discretion of the watch committee.

4100. The superannuation allowances have all been made in accordance with the Act of 1848, have they not?—Yes, they have.

4101. Will you describe to the Committee the provisions of the Superannuation Act of 1848, and the conditions of granting allowances under it?—The second and third sections entitle each member of the force, on arriving at 50 years of age, to claim an allowance of one-half of his full pay if he has served 15 years, and two-thirds if he has served 20 years, with the proviso "that if he shall have served in different ranks or capacities, his allowance shall be granted to him for a like number of years in which he served in such several ranks or capacities according to the rate of pay of each of the said several ranks or capacities."

4102. Meaning thereby, that if a man had served so many years as a constable at 20 s. a week, and so many years as a serjeant at 25 s. a week, his pay would not be regulated by the rate of 25 s., but by the rate of 20 s. and 25 s.?—Quite so; it is not the average, but the exact number of years, calculated according to the length of service in each rank.

4103. What does the second section provide for?—The second section provides for each member who has served 15 years, "if he shall be able and willing to continue his services, and the watch committee consent thereto," receiving one-third of the half-pay to which he is entitled in addition to his full pay. The second section also provides for each member who has served 20 years receiving one-third of the two-thirds pay to which he is entitled, in addition to his full pay that is, if he continues to serve. The 4th section provides for an allowance to members of the force retiring in consequence of infirmity of mind or body receiving an allowance not exceeding one-half of their full pay, but such allowance is in the discretion of the watch committee, and they must have served 10 years.

4104. Then suppose a man should leave before having served the requisite number of years, in accordance with the Act of 1848 he forfeits all right to any benefit under the Act?—Most decidedly.

4105. What is your opinion of the working of this Act; has it a tendency to create solvency in the funds, or economy in the working of them?—So far as I have been able to judge, it was a very wisely and prudently framed Act, having reference to the solvency of the fund, and also to the welfare of the men.

4106. How do they employ the moneys of the fund?—They have been employed in aid of the borough fund from time to time; they have been used for such purposes as monies raised upon the security of the borough fund were applicable to.

4107. Have any of the conditions of the Act of 1848 in your opinion been continued in the subsequent Act of 1859?—Yes, they have been

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Mr. Gourley—continued.

continued in full operation by the 15th section of the Act of 1859.

4108. Was that continued in the subsequent Act of 1865?—Yes, the Act passed in 1865 continues the same reservation of the provisions of the Act of 1848 as is referred to in the 15th section of the Act of 1859.

4109. In your opinion, all allowances in the shape of superannuation funds have been made in accordance with the Act of 1848, with the exception of gratuities?—Yes, up to a certain period, for all men who were on the force previously to the passing of the Act of 1859.

4110. Then the men who joined the force after 1859 would not come under the operation of the Act of 1848?—They have no right to the provisions of the Act of 1848 at all.

4111. How many men have you in your force who were in the force when the Act of 1848 came into operation?—The number of the members of the force who have up to the present time become entitled to allowances is 22, and the number remaining entitled to claim under the Act of 1848 is 19, making altogether 41.

4112. What is the difference between the allowances under the Act of 1848 and those under the Act of 1859?—The 9th section of the Act of 1859 containing the rates of allowance to be made, differs materially in its construction from the 2nd section of the Act of 1848, inasmuch as it gives no definite claim, but merely an implied right at the advanced age of 60 years.

4113. Thereby shutting out all chance of the men who kept in the force up to 60 years of age ever getting that superannuation allowance?—In many cases the remoteness of the period would seem to amount to a forlorn hope on the part of the men claiming.

4114. Do all boroughs adopt the same principle in the granting of superannuation allowances, or does the practice vary?—It varies considerably, I believe; but I have not made it my business to inquire particularly upon that point.

4115. Are the men who entered the force in 1848 and the men who entered it in 1859 satisfied with the working of those two separate Acts, or are they dissatisfied?—The men, as a whole, are dissatisfied with the operation of the proviso at the end of Clause 2 of the Act of 1848, which regulates the allowance according to the period served in each rank or capacity, and they think that the allowance ought to be made upon the full amount of the pay that the constable or officer is in receipt of at the time of his retiring.

4116. What is the view taken by your council as to its operation with the police; do they consider that they are bound to exercise their functions under the Act of 1859, or under the Act of 1848?—So far as regards the men who were appointed at the time of the passing of the Act of 1859, the town council consider that they can do no other than grant them the allowances according to the provisions of the Act of 1848.

4117. And if they went beyond that, what would be the consequence in reference to your fund?—There is a fear on the part of the council, that the borough fund would be called upon to supplement the sources of the payments.

4118. What is the amount of your capitalised fund at the present moment?—The exact amount invested in loans on corporation properties is 5,100 l., and the balance at the bankers on the 31st of August was 197 l. 7 s. 9 d.

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4119. Therefore

Mr. Brown.

4 June 1875.

Mr. Brown.

Mr. Gourley—continued.

Mr. Gourley—continued.

4 June 1875. 4119. Therefore your present fund is between 5,000 l. and 6,000 l.?—£. 5,297. 7 s. 9 d.

4120. Have you made any calculations with reference to the past working of the revenue which you have had, and the probable condition of your fund with regard to the present capital and future revenues?—Yes, I have made full calculations, and I am prepared to put in certain statements to show what the present state of the fund is, what its past working has been, and what its probable future working will be.

4121. Is the fund which you now have, one common fund for the payment of the allowances under the Acts of 1848 and 1859, or have you two separate funds, one for the Act of 1848, and one for the Act of 1859?—The 1859 Act itself decides that question; the 7th section transfers the fund which had been created under any previous Act to the purposes of the Act of 1859, so that they became one fund.

4122. Therefore your fund is simply one common fund?—Our fund is one common fund, so far as the capital goes.

4123. And also with regard to the payments, the payments must be out of one common fund also?—Yes, quite so.

Chairman.

4124. But you have two distinct systems of pensions drawing upon the fund?—The system provided for under the Act of 1848, according to the reservations in Section 15, is distinct from any allowances which might be made under the 9th section of the Act of 1859.

Mr. Gourley.

4125. It simply amounts to this, that the payments are divided into two classes, but that the funds are not divided into two classes?—That is so.

4126. Will you let the Committee have your statement now?—Statement No. 1 gives the full detail of the payments from 1853 to 1874; the claimants have been 22 according to that statement, and out of those 22, six have died during that period. Possibly there may be statistics derived from these for forming an opinion as to what may take place in the future from what has taken place in the past. (*The Statement was handed in.*)

4127. What has been the average number of the force?—The average number of the force, during the time in which these men have become claimants has been 80, commencing with 44 in 1853, and ending with 115 in 1873. It might be as well to state the 115 contained in the column for the strength of the force includes private constables engaged by private firms. They contribute to the fund in the same way as the other men. It was thought as well to include them; they are liable to be removed from one place to another, and to be brought back to the force; they are considered as part of the force, and are brought up to parade and other duties.

4128. You lend men to private firms?—We lend men to private firms for what it costs us to keep them.

4129. Do you propose now to put in another statement?—I propose to put in statement No. 2, showing the receipts, payments, and investments, from the 20th of June 1848 to the 31st of August 1874 (*the same was handed in*); those are given in yearly amounts. It may be as well to remark

that in the column headed "Half Penalties" there are two items, in the two last years, of 608 l. 1 s. 6 d. and 459 l. 10 s., which show a larger progressive increase than in former years, attributable, no doubt, to the operation of the new Licensing Act, which, especially in 1873, created a large increase, and probably the falling-off in 1874 may be the effect of persons generally having become more cautious than they were previously.

4130. Or, would you say, in consequence of the depressed condition of trade?—That might partly be an element, but I would rather be inclined, so far as my own observation has gone, to say, that persons were not aware of the new power which had come into operation, and were not so cautious as they afterwards were.

4131. Do you think that the revenues are likely to increase or decrease from the penalties arising under the Licensing Act of 1873?—I think they will not decrease, but will increase in proportion to the population.

4132. You have given the Committee figures which show that in 1873 the moieties of penalties were 608 l., whereas in 1874 there is a falling-off of 150 l.; so far as your knowledge goes of the moieties of penalties for 1875, is it likely that your revenue from those sources will be less in 1875 than it was in 1874?—I think in 1875 they will be nearly approaching what they were in 1873. I do not know that it is proper to name such circumstances, but there were in 1873 and in 1875 two raids upon brothels, which have resulted in large penalties having been levied for selling liquor in unlicensed places, and half of those penalties, as a matter of course, went to the police.

Chairman.

4133. There is, it appears, something exceptional in these years?—Yes, in 1873 and in 1875; but of course 1875 does not appear in the statement.

Mr. Gourley.

4134. Do you think that the knowledge of the fact that those moneys go towards the support of the superannuation fund has a tendency to make the police more vigilant than they would be if the superannuation moneys were paid by the ratepayers direct?—I quite think that the passing of half penalties to the fund is an incentive to diligence on the part of the police.

4135. Do you approve of that system?—Yes, I quite think that it is beneficial.

4136. You propose also to put in another statement, No. 3, showing the prospective condition of your fund in accordance with your present capital and your present revenues?—I do. (*The same was handed in.*) Statement No. 3 is a statement of the amounts to which the present and future recipients will be entitled under the provisions of the Act of 1848, from 1st September 1874 to 31st August 1885, 11 years. It will be seen, on comparing this statement with statement No. 1, that there is a large increase in the rate at which the allowances are estimated, which is attributable to the increased rate of pay in later years. Of course this statement is given on the assumption that the whole of the present recipients, 16 in number, may live the whole of the 11 years, which is improbable, considering the advanced age of some of them. It is further assumed that the whole of those entitled to claim under

Mr. Gourley—continued.

under the provisions of the Act of 1848 shall be superannuated as soon as their age and term of servitude will entitle them; but it will be matter for consideration with the watch committee whether they will ask them to resign on making their claim, or will continue their services, in which latter event the amounts of one-third the allowances would be given in addition to their pay, and the resources of the fund would be economised to the extent of the remaining two-thirds.

4137. With your experience, are you in favour of having a fixed period of years' service before granting superannuation allowance, or would you leave it in the discretion of the watch committee to employ the men as long as they are capable of performing duty?—I would leave it in the discretion of the watch committee to employ the men as long as they are capable of performing active service.

4138. But at the same time you would make the law absolute that men should at the end of a certain number of years have a claim?—I would give each member of the force a right to claim his allowance at a certain period, whether a smaller or a larger allowance, and give him a proportion during the time he continued to serve, in the same way as is provided in the 2nd section of the Act of 1848.

4139. With regard to this prospective account which you have produced, you have another tabulated statement to put in giving the receipts and payments, showing the probable result of the working shown in statement No. 3, have you not?—Yes; statement No. 4 gives a view of receipts and payments as the probable result of the working shown in statement No. 3 (*the same was handed in*). It will be seen that the rapidly increasing demand in the fifth and subsequent years results in a reduction of the interest derivable from investments by the necessity of making an inroad upon the amount invested. The amount required to be taken out of the investments appears as 2,300 *l*. This of course would be subject to abatement, by the saving of allowances in the case of claimants dying; this, according to the number of deaths shown in statement No. 1, and the probable saving of payments per statement No. 3, may be estimated at 700 *l*.

4140. Then, as you estimate, the saving from deaths is 700 *l*.?—The saving by claimants dying.

4141. Is that 700 *l*. a year?—No, 700 *l*. during the period of 11 years. But it must be further taken into account that there would be claims on the fund such as appear in statement No. 1, in the shape of gratuities to the widows of officers dying, either before or after becoming claimants, but that is not included in the Act. I think the word "after" had better be left out, because that is more a prospective wish upon the part of the men that the widows should have some benefit which they have not under the present provisions. Then I go on in my statement to say that something must be estimated for these.

4142. You have not estimated anything for children, have you?—No. Section 20 of the Act of 1859 gives the watch committee power to grant such gratuities after three years' contributions to the fund. It must further be taken into account that there may be further claims on the fund under the power in Section 9, to grant annuities to officers retiring out of health who have served 15 years, and under Section 10 to

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Mr. Gourley—continued.

grant gratuities to such as have served less than 15 of the class retiring out of health. Statement No. 1 shows five during 22 years, who had not served the full period, but became entitled under special provisions to be retired by the watch committee.

4143. What would be the condition of your fund at the end of 11 years, in accordance with the statement you have put before the Committee?—Looking at the probable state of the account in connection with these contingencies, the following may be taken as a moderate view of the result at the end of 11 years, namely, amount withdrawn from investments as shown in statement No. 4, 2,300 *l*.

4144. That is 2,300 *l*. from the present capitalised fund?—Yes, less saving by claimants dying 700 *l*., which would leave 1,600 *l*.

4145. To be drawn from the capitalised fund?—Yes, net 1,600 *l*.

4146. Have you any data by which you arrive at the probable number of men who are likely to die?—No, I have no particular data; it is only a sort of guess of my own judging from the state of health of the men who are at an advanced age.

4147. Have you compared that calculation with any statement published by any insurance association?—I have not done so, but I have not lost sight of the figures and tables which are authorised. Willich's Tables are what I have used, but I have rather preferred to take figures furnished by experience of the fund for those calculations than to form them upon those published statistical figures; I add to the 1,600 *l*., gratuities to widows of officers who may die, 300 *l*.; that is rather a large amount, but it is just as possible it might be a large as a small amount. The last amount that was given was 70 *l*. to one widow of an officer who died since 1874, and I add also, for allowances and gratuities to officers who may retire out of health, say, three for three years, 279 *l*.; that would show a deduction from investments in 1885, of 2,179 *l*.; the present amount of investments and balance is 5,297 *l*.; deduction as above, 2,179 *l*., would leave in 1886 3,118 *l*. to meet a deficiency of about 600 *l*. a year; this in five years would require 3,000 *l*., so that the fund in 1891 would be exhausted, and an annual demand of the deficiency would be made on the borough rate. The above deficiency of 600 *l*. would probably be increased by the addition of allowances to officers retiring out of health, say 93 *l*., that being the proportion of the 279 *l*. which I had estimated for three years, so that you would have a deficiency of 693 *l*. in 1891.

4148. In 1891 you would require to levy an annual sum of 693 *l*. upon the ratepayers?—Yes.

4149. Over and above the present revenue?—Over and above the present probable revenue.

Chairman.

4150. Which would be then exhausted?—Yes, it would be then exhausted and requiring that assistance.

Mr. Gourley.

4151. You produce a statement, No. 5, do you not?—I do (*the Statement was handed in*).

Chairman.

4152. I would ask whether the men having

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belonged

Mr. Brown.

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Mr. Brown.

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Chairman—continued.

belonged to the force before 1859 are really taking their pensions under the Act of 1848?—Quite so.

4153. You have not mixed them up?—I have not.

4154. You have one fund which applies both to the pensions under the Act of 1848 and to the pensions under the Act of 1859?—Yes.

4155. You have shown by these tables which you have put in, that the men under the Act of 1848 will exhaust the whole of the capital, and that there will be a direct charge upon the rates to meet their claims for pensions of 693*l.*?—Yes.

4156. In the meantime a certain number of pensions would have been created under the Act of 1859; how will those be met?—I shall be glad if you will allow me to put it in my own form, so that you may understand it more clearly; Statement No. 3 gives the allowances to the men entitled under the Act of 1848, according to the provisions of that Act, Statement No. 5, which I am now about to proceed with, gives the figures showing what the allowances would be to those same men, provided they were retired at the full rate of pay that they were receiving according to the rank on retiring under the Act of 1848.

4157. Do those tables and figures deal with the whole of your force of 115 men, or do they deal with only that part of the force which is now under the Act of 1848?—These present figures in Brief No. 1, which I have put into the hands of Mr. Gourley, deal only with the 1848 men; I will come to deal with the 1859 men in a subsequent set of observations. Now, referring to Statement No. 5, that statement gives the probable detail of payment to present and future recipients provided their allowances should be calculated on the rate of pay according to their rank on retiring, assuming that they should all live for 11 years, the same period as shown in Statement No. 3 and subject to reduction in regard to such of the recipients as may die. The contingencies referred to in connection with Statement No. 3, must also be taken into account in relation to this statement. The following is the probable result of the account at the end of the 11 years, as shown in Statement of Receipts and Payments No. 6, namely, amount withdrawn from investments, 3,677*l.* 12*s.*; that, you will perceive, takes the place of the 2,300*l.* in the previous statement. Less saving by claimants dying, 700*l.*; leaving 2,977*l.* 12*s.* net. Add gratuities to widows of officers who may die, 300*l.*; add also allowances and gratuities to officers who may retire out of health, say three for three years, 569*l.*, the amount being much larger than in the former statement for that item. Deduction from investments in 1885, 3,846*l.* 12*s.* The present amount of investments and balance, 5,297*l.* Deduction as above, 3,846*l.* 12*s.*; that leaves 1,450*l.* 8*s.*, in 1886, to meet a deficiency of about 900*l.* a year. This in 1½ years would require 1,350*l.* So that the fund in 1887 would be exhausted and an annual demand of the deficiency would be made on the borough rate of 900*l.*; with a probable increase by the addition of allowances to officers retiring out of health, say 200*l.*, making 1,100*l.* altogether.

Mr. Gourley.

4158. Having put in those tabulated state-

Mr. Gourley—continued.

ments showing deficiencies likely to arise from the calculations which you have made, have you any proposal to offer to the Committee for the making of your fund solvent in future, instead of an insolvent fund as shown by the figures which you have stated to the Committee. Would you make the fund solvent by leaving the charge to be a direct charge upon the ratepayers, or would you make it a solvent fund by asking the magistrates to hand over the moieties of penalties to the borough fund which are now handed over to the county treasurer?—I should certainly think it right that the magistrates should be asked to use their influence in endeavouring to strengthen the fund in that way.

4159. What we want you to show the Committee is how, at the end of 1891, you would propose to supplement the existing funds so as to show at the end of that time a state of solvency instead of insolvency?—These observations go fully into the question, and I am afraid, unless they are gone thoroughly through, you will not be able to understand them if they are cut up into parts.

4160. You propose in these observations to show how the fund is to be made prospectively solvent?—To a certain extent.

4161. With regard to Section No. 1, what do you propose to show by that?—With a view to showing clearly the whole of the force as interested in the fund, the following division may be useful: Section 1, comprising members of the force superannuated from 1st September 1852 to 31st August 1874; Section 2, comprising members of the force who remain entitled to be superannuated under the 11th and 12th Vict., c. 14: that is to say, the Act of 1848; Section 3, comprising members of the force who will have completed 20 years or more in 1885, and who have entered since May 1859; Section 4, comprising members of the force who have joined since 1865: that is, the end of the 20 years reckoned with regard to Section No. 3.

4162. Then you have divided your prospective calculations into four separate sections, have you not?—Yes, I have.

4163. Will you hand in Section No. 1 to the honourable Chairman and tell him what you propose? (*The same was handed in.*) There is a proviso with regard to Section No. 1 which might be of service in considering the question of the continuance of the men in the force who have become entitled to superannuation; I have endeavoured to show the advantages consecutively in the Act of 1848, and they are, first, a regulation of the periods of service.

4164. You are going to show the Committee how far you approve of the existing Act of 1848? Yes, I propose to do that. Secondly, a right for the members to claim at a fixed period.

4165. Have they that right under the Act of 1848?—Yes, they have.

4166. Positively?—Yes, positively so. Thirdly, a prolonging of their servitude, if they should be able and willing to continue. Fourthly, an allowance regulated according to the rate at which they had contributed to the fund. Fifthly, a right to a proportion of such allowance in addition to their full pay, as an inducement to a continuance of service. Whilst providing to them these advantages a proportionate reservation of the fund was effected and the fund strengthened; a reference to statement No. 2 will illustrate this.

The

Mr. Gourley—continued.

The amount of the one-third allowances there shown as paid, 610 *l.* 2 *s.* 8 *d.*, represents a saving to the fund of 1,220 *l.* 5 *s.* 4 *d.*, so that the reserve of 5,297 *l.* has been improved to that extent beyond what it would have been if the allowances had been paid in full.

4167. That is by continuing the men in the force?—Yes, by continuing the men in the force after they become entitled to pension, either past the 15 years or past the 20 years. As a further illustration of the effect of the continuance of services, reference is made to statements Nos. 3 and 4, and the following memorandum as to continuing the services of the members in Section 2 in the force for five years to 1885.

4168. This memorandum is to show what the saving would be to the fund provided the men were continued in the force for five years instead of being paid off?—Yes.

4169. What would it be *en bloc*?—That memorandum shows that there would be a saving to the fund of 3,256 *l.* 2 *s.* 8 *d.*

4170. Upon how many men?—I had better state the item of the number of men in another paragraph; the men would receive half that amount, 1,628 *l.* 1 *s.* 4 *d.*, in addition to their full pay; in the first year that that saving might come into operation, namely, 1876, there would be one man reckoned; in 1877, one man; in 1878, two men and a half, one of them being entitled to retire at the end of the half year; in 1879 there would be seven men included in the calculation; in 1880, 12 men; in 1881, 11 men; in 1882, 18 men; in 1883, 17 men; in 1884, 12 men; and in 1885, seven men.

4171. Will you explain to the Committee why the number suddenly drops from 18, 17, and 12 to seven?—Because several of the men would then have become entitled to their full allowance; take, for instance, 1882, you have the maximum number that would be on the additional pay, and in the next year one man becomes entitled to his full allowance and passes off, thus making a saving in this calculation; in 1884 six of the men would be out of this calculation.

4172. You mean to say this, that when a man becomes entitled to his full allowance he would not be disposed to continue his services in the force?—I assume that he retires at the end of the five years, or that he might be required to do so.

4173. Having become entitled, at the beginning of the five years, to superannuation allowance in accordance with the law, by continuing the services of those men within the force for five years, you thereby show a saving of 3,256 *l.* 2 *s.* 8 *d.*, but at the end of that time you begin to lose their services by their taking the benefit of the full allowance, whereby the fund loses also?—That is not the course of reasoning here. The course of reasoning here is, that by the men continuing in the force, a saving is effected to the fund, with a corresponding advantage accruing to the men by their receiving half as much as what is saved to the fund.

4174. What is the next point of the statement which you wish to explain to the Committee?—It will be seen that if this course should be adopted (which it is quite competent for the watch committee to do, provided the men be able and willing to serve) a saving would be effected from the allowances shown in Statement No. 4, of 3,256 *l.* 2 *s.* 8 *d.* The account would then be altered,
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Mr. Gourley—continued.

as follows: amount withdrawn from investments, 2,300 *l.*; saving by claimants dying, 700 *l.*; which leaves a balance of 1,600 *l.*; add, gratuities to widows, 300 *l.*; add also for allowances to officers who may retire out of health, 279 *l.*, which amounts to 2,179 *l.*; deduct this from the saving of 3,256 *l.* 2 *s.* 8 *d.*, and that would leave a reserve of 1,077 *l.* 2 *s.* 8 *d.*

4175. For what purpose?—As a reserve to the fund, instead of its being exhausted,

4176. The net saving would be 1,077 *l.* 2 *s.* 8 *d.*?—You would have 1,077 *l.* 2 *s.* 8 *d.* to go on with in paying the subsequent allowances.

4177. What is the rule with your watch committee when men become entitled to their superannuation allowances; do they continue the men in the service, or do they let them take their superannuation allowance?—They have of late evinced a disposition not to continue the services of men claiming allowance on the ground that their continuance in the force prevents younger members obtaining promotion so early as they would if the older members were retiring.

4178. The policy adopted by your Committee is, as far as possible, to compel the members of the force arriving at a certain age to retire under the allowances authorised by the Act of Parliament?—There has been that disposition evinced, but I am rather of opinion that when they come to reconsider the matter in the light of these statistics, they will be disposed to alter their opinion, and that the council will see it right to resort to the continuance of the services rather than require healthy and robust men to retire at a fixed period.

4179. But the reason why they adopt the present system of retiring men when they become entitled to their superannuation allowances, is that young men may be tempted to enter the force?—There might be something in that; but I do not think that would operate so much with regard to men entering the force as with regard to the satisfying of the younger men who are in the force, in Section No. 3, under the Act of 1859.

4180. Then you propose to put in a second statement showing the condition of the fund, should the service be upon an average 22½ years?—The statement which I now put in is a statement showing what the effect upon the continuance or non-continuance of services would be, what the length of service of the men who are entitled to retire under the Act of 1848 would be at 50 years of age, and what it would be at 55 years of age. (*The same was handed in.*)

4181. You propose to put in another statement showing the result at 20 years' service?—The statement which I have to put in relates to such men as have joined since 1859, and have served 20 years or more in 1885. (*The same was handed in.*)

4182. Your second statement is intended to give figures or tabulated statements, showing the condition of your fund under the operation of the Act of 1859; is it not similar to that which you have given the Committee under the Act of 1848?—Yes, the one in connection with the other.

4183. Will you be kind enough just to put in these statements for 1859, and pass over all the details?—The Committee have already a statement as to what the saving would be to the fund if the men who are entitled to be retired under the Act of 1848 were continued in the service for five
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Mr. Gourley—continued.

five years longer. The next statement refers to Section No. 3 of the force, and gives the different ages at which they would be after being retired at 20 and 25 years' servitude. (*The same handed in.*) Then I must claim your indulgence as to the next statement of account which I have prepared. The next statement is upon the assumption that those men are retired between 1886 and 1899, giving a *pro formâ* statement at a minimum allowance, not stating any definite rate of allowance, but giving it at a minimum amount of 50*l.* (*The same was handed in.*) That is followed by an account current which would stand as follows.

4184. As giving a solvent or an insolvent fund at that period?—It would give an insolvent fund, which is what I wish to show. The account current would then be continued as follows:—Balance in hand, as shown in the table I have just handed in if Section 2 be kept in pay five years to 1885, 1,077 *l.* 2 *s.* 8 *d.*; income for 14 years at 900 *l.*, 12,600 *l.*, making a total of 13,677 *l.* 2 *s.* 8 *d.* Probable payments in this period to Section No. 1, 1,155 *l.*; to Section No. 2, 9,998 *l.* 10 *s.*; and to Section No. 3, 9,100 *l.*, as shown upon that *pro formâ* statement, making 20,253 *l.* 10 *s.*, leaving a deficiency of 6,576 *l.* 7 *s.* 4 *d.*, or a yearly average in the 14 years of about 477 *l.*

4185. That is under the operation of the Act of 1859?—That relates to the distribution of the fund under both Acts. Provided Section No. 2 be not kept on pay for the five years, then there would be the additional deficiency of 3,256 *l.* 2 *s.* 8 *d.*, or a yearly sum of 232 *l.* 10 *s.*, making the total average yearly deficiency of 709 *l.* 10 *s.*

4186. Will you just put in the other two statements which you have to put in?—I have a set of averages drawn from the whole of the statements here, which I think would be very useful if the Committee would allow me to state them.

4187. Those statements apply to Sunderland, and to Sunderland only, do they not?—Yes.

4188. And they are based upon data at which you have arrived from your own observations?—Yes, as far as I have been able to arrive at them.

4189. Will you be kind enough to put in the remainder of your tabulated statements, and I will ask you one or two questions upon them?—Yes, I will. This statement relates to Section No. 1, the men who have been already in receipt of the fund including those who have died. And this further statement relates to Section No. 4, giving the names of officers and constables with the dates and ages of joining since 1865 at present in the force, that is the remainder of the men exclusive of the 19 men who are entitled to retire under the Act of 1848, and the 21 men who are of 20 years' service or more in 1885 under the Act of 1859, those are 75 in number. This statement gives a consecutive view of four sections of the force. (*The tables were handed in.*)

4190. You have shown that prospectively, in Sunderland, your fund will be insolvent with the present sources of revenue?—Quite so.

4191. How would you propose to make the fund solvent; would you propose, when it does become insolvent, to make a direct charge upon the ratepayers, or would you propose to add the remaining moiety of the penalties?—There

Mr. Gourley—continued.

would be a decided objection on the part of the council, and also of the ratepayers, to make it a charge upon the rates, and it would be a matter for the Government and the Committee, to consider whether the penalties which are now paid to the county treasurer for cases of common assault, and the half penalties paid to him for cases of drunkenness and other offences under the Licensing Act, might not be ordered to be paid in to the Superannuation Fund, and also whether an increase ought not to be made in the rate of contribution by the force, in order to meet the increased demand consequent on fixing the higher rate of allowance.

4192. If the remaining moieties of penalties are paid towards the superannuation fund, would that make the fund solvent?—I think not.

4193. Then in the event of those moieties of penalties not being sufficient, you propose, I think, to make a further deduction from the wages of the police?—I do; it would seem reasonable, provided an allowance of pay according to the rank at which they retired were granted, that they should in prospect of that be willing to submit to a further deduction.

4194. What rate of wages are you paying your police now?—A first class constable is receiving an amount of 30 *s.* per week.

4195. How is that, compared with the rate of wages paid to artizans, such as shipwrights and engineers?—It is a little higher than they receive, I believe; but I am not so conversant with the subject as you would be.

4196. And what for a second-class constable?—29 *s.* 6 *d.*, including an allowance for the merit class, and 27 *s.* without the merit rate.

4197. If you had a fixed system of superannuation instead of an optional system, as under the Act of 1859, do you believe that you would get men at a lower rate of wages?—I do not think that at all, for according to experience the difficulty has been to keep the force supplied with men.

4198. Do you find a difficulty in getting men?—I do not know that there is much difficulty in getting them, but there is a very great proportion of the younger men leave.

4199. What proportion of the men in your force leave annually?—I could not be positive about that; but it is a very large proportion, perhaps one-third in three years, or something like that; but I would not be sure about those figures, for I did not make myself fully acquainted with the subject.

4200. Supposing the men were relieved of the deduction made for the superannuation charge, do you believe that they could be got for a lower rate of wage?—I do not think so.

4201. Therefore the superannuation charge is of no benefit to the ratepayers?—No; but it would not be of any benefit to the service to relieve the men of the contribution.

4202. What is the opinion of your watch committee; is your watch committee in favour of a fixed system, or of the present optional system?—I have not consulted them very particularly upon that point; for my own part, I am of opinion that there ought to be a fixed rule for them to act upon.

Chairman.

4203. I should like to put one or two questions to you with regard to this Act of 1848, in order to

Chairman—continued.

to place it on record before the Committee. The Act of 1848 was a permissive Act, which was passed to enable borough authorities to adopt a superannuation fund in their police forces, was it not?—It was.

4204. That Act was repealed by the Act of 1859, saving to those boroughs which had adopted the Act previously to that time, the right to give pensions to their men under it?—Quite so.

4205. Under this Act of 1848, a system of pensions exists, similar to that system which is supposed to be called for by the police force at the present time, to a certain extent. That is to say, under this Act, pensions are granted on service completed as a right?—Yes, that seems to be the spirit of the Act.

4206. Therefore to that extent the Act of 1848 rather anticipated what seems now to be the express wish of some of the forces?—So far as I am able to judge.

4207. And that Act has been carried out for some years in your borough?—It has.

Mr. Gourley.

4208. And the payments are made not in accordance with the rank held at the time of retiring?—No.

Chairman.

4209. But that is not now in accordance with the express wish of the men; as I understand it, pensions are paid upon the actual number of years served in each particular rank by the men?—Yes; that I do not think they wish to have now; they wish to have an alteration in that particular, but—

4210. They would retain that part of the Act of 1848, if possible, which allows them to claim after a period of service?—Quite so.

Mr. Scourfield.

4211. Do you know what rate in the pound 693 l. would represent?—About a halfpenny, I believe, at the period I referred to. I should like to hand in this Table, which is merely a sort of elementary calculation with regard to the different sections of the force, deduced from the figures shown in Willich's tables. (*The same was handed in.*)

Serjeant JAMES CURTIS, called in; and Examined.

Chairman.

4212. You are stationed at Wednesbury, I believe?—I am.

4213. Wednesbury has not a police force of its own; you are part of the county police force, I believe?—We are.

4214. I suppose you are well acquainted with the feelings of the men of your force with regard to this superannuation question?—I am, perfectly.

4215. Will you tell the Committee whether the men of the force feel any dissatisfaction with the existing system of pensions under the present law?—Yes; we feel dissatisfied in this way; that we have no claim upon it. As it stands we are not aggrieved with reference to the amount which they give the men at any time, but only with regard to the number of years the men are required to serve. We consider we should be entitled to a pension after a certain number of years.

4216. As I understand you think the time too long before you can claim a pension, and you complain of the uncertainty of that pension; that is to say, you think that after having served a certain number of years in the police force you should not be exposed to losing your pension at the caprice of other people?—Quite so. We consider that when a man has walked about for 20 years in the force, night and day, during all weathers, he should be entitled to half-pay after 20 years, even if he joined at 20 years of age; and after 25 years' service we consider we ought to have two-thirds of our pay. It is a very different thing for constables and serjeants from what it is for superintendents; of course superintendents and inspectors may do 30 years' service; we are out nearly every night and day. A superintendent rides about chiefly, and not only that, but he is never out perhaps more than one night or two nights in the month, and he may pick his nights; he is not compelled to be out of a rough night, but we are.

4217. You think it is a hardship upon a man who is obliged to be out upon a beat constantly, to 0.94.

Chairman—continued.

be expected to continue service after that period of years?—Yes.

4218. That, practically, a man is worn out from that service when he has served 25 years?—He is.

4219. Do I understand you to say that the claim for pension should be half-pay at 20 years, rising suddenly to two-thirds at 25; or would you graduate it between 20 and 25 years' service?—I should graduate it. If a man became incapable of doing his duty, I would give him something over half-pay; something between that and two-thirds.

4220. That he should be entitled at 20 years' service to half-pay, gradually rising to two-thirds at 25, when he should be entitled to that pension?—Quite so.

4221. You have discussed this question in the force, I have no doubt?—Yes, we have discussed it for four or five years. The men felt dissatisfied, and we have talked it over, one with another. A great many say, "I shall never get it, and I shall look out for another situation. I am bound to pay 2½ per cent. I may never get the pension. If I go to another business, I shall not be bound to pay anything." Therefore some leave through that, and some leave to better themselves.

4222. You think this uncertainty influences men very much in changing their service?—It does.

4223. You believe that if a man had contributed to your fund, if he had a permanent claim upon that fund after a certain number of years' service, he would remain to claim that pension?—I have no doubt he would.

4224. Therefore you would keep your men longer in the force?—No doubt.

4225. Do you think the question of pension enters at all into the mind of a recruit?—In some cases; it might not in all, but it does in a great many; speaking for myself and plenty of others who obtained our situations by advertisement, we see the advertisements in the bills or newspapers

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*Serjeant
Curtis.*

Serjeant
Curtis.

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Chairman—continued.

papers asking for men at certain wages, and stating at the same time, "A liberal retiring pension will be given after 15 and 20 years' service." We naturally consider we have a claim upon that when we join, and then we find when we have joined that we have no claim till we are 60 years of age, and then, that the chief constable can recommend us two-thirds of our pay, but one chief constable may recommend the watch committee to give us 10*l.*, or another 20*l.*, and another 30*l.*; he can do so if he likes; I do not say they do it unfairly, but they may if they chose.

4226. I do not understand you to complain of the way in which the funds are administered at present?—Not the least.

4227. But that the system is one which has much uncertainty about it, that the men are led to expect a pension, because they contribute to the fund?—We do.

4228. Has that question been considered at all in the force with regard to carrying service from one force to another on promotion?—Yes, it has.

4229. What is the general feeling amongst the men?—We feel that the present law as it exists is quite right that half service is plenty; if men leave, they leave to better themselves; if they are promoted from one force to another they always try to get it themselves. I never knew an instance in which a man was asked to take the position, but they try to take it, and they get the benefit of it sometimes.

4230. You think that the rise in rank and the increase of wages attaching to that rank are an inducement to a man to sacrifice part of his back service?—I think the increase in the amount of the pay he would get by going into another force would induce him to leave one force and join another; say if a man was having 150*l.* a year as a superintendent in a county, if he could get 250*l.* by going into a small borough, he would forfeit part of his previous service, and go into the small borough and get it. The principal object of the constable would be to get the extra rank and pay.

4231. And he would not be affected much by having to give up a few years' back service towards superannuation?—I do not think there is any objection to that. They ought to be satisfied with counting half service.

4232. The existing law, you think, is satisfactory upon that point?—I think it is.

4233. Have you considered the question with regard to children taking gratuities in cases where there is no widow?—Yes, we have talked that over; but there is a difference of opinion with regard to that matter. Some men think it ought to be given to the widow, and some think if there was no widow there should be given to the children a month's pay for every year's service; I do not see why it should be given to the children particularly, any more than in the case

Chairman—continued.

of a single man, because, I myself, a single man, contribute the same amount to the superannuation fund as any other man does; yet if I was to die my father and mother would get nothing; I do not see why it should run to children.

4234. Supposing the law was altered, so that it empowered the authorities to grant gratuities to any one dependent at the time upon the policeman who lost his life, that would include either father or mother or children who were dependent upon such constable; would you like to see that?—I am afraid if it was to come to that it would be going a little too far.

4235. Really the only point you would wish to submit to the Committee is, that the force you are connected with, and the men you know, think that the uncertainty should be done away with, and that a right should be given to a man to say, I have done good service to the county or borough and I ask you to give me the pension I am entitled to?—I speak of that because I joined at 23, and when I have done 25 years' service, I think I should be entitled to a pension; there would be great advantage to a man who joined at 20, if, after he had done 25 years' service, he were entitled to a pension; but now as it is, a man may join at 35, and I should have done 15 years' service more than he, yet he would be entitled to superannuation at the same time as myself.

4236. You would grant a pension upon a fixed period of service, as I understand?—Quite so.

Mr. Gourley.

4237. How long have you served?—Eleven years and a-half.

4238. What age are you now?—Thirty-five.

4239. At the age of 48 you would consider yourself entitled to a retiring allowance?—Yes, I ought to be.

4240. But on arriving at the age of 48, would it not be better that you should be continued in the force, provided you had some proportion of your superannuation allowances granted to you, in addition to your full pay?—If it was made optional to us to stay in the force, no doubt many of us would stay.

4241. You, as an individual constable, think you ought to be entitled, and have a right to retire after 25 years' service?—I do.

Mr. Scourfield.

4242. Are those advertisements to which you allude, including a prospect of a retiring pension, common; is that statement about the retiring pension generally put in?—It has generally been so in those I have seen.

4243. Does the advertisement say how much the pension would be?—No, it does not.

4244. By whose authority are those advertisements generally issued?—They are generally signed by the chief constable of the borough or the county, whichever it may be.

Constable ROBERT NICHOLS, called in; and Examined.

Constable
Nichols.

Chairman.

4245. You are a Constable of the Sheffield Police Force, are you not?—I am.

4246. How long have you been attached to that force?—I have been attached to that force eight years and four months.

Chairman—continued.

4247. Is that your only service, or were you previously in another force?—I have not been in another force.

4248. You joined the Sheffield force originally then?—I did.

4249. You

Chairman—continued.

4249. You are acquainted, I suppose, with your comrades' feelings with regard to this question of superannuation?—I am; we have consulted upon the matter.

4250. You have a large force at Sheffield, I believe?—Our force consists of 300 men.

4251. Will you tell the Committee what the feelings of the men have been generally about this question of superannuation?—They feel that they should like a fixed term of service; it does not matter what age a man is when he joins the force; but when he has completed 20 years' service, he should have half his pay.

4252. That he should be able to retire, after 20 years' service, if he wished, on half-pay?—Yes, and after 25 years' service, on two-thirds of his pay.

4253. You agree with the last witness as to the scale which the men of your force also suggest?—Yes; we do not take them by rank. We say every man; it does not matter what rank he is in, either superintendent or inspector, or anything of that kind, should be entitled to count superannuation the same way, but under this limitation, that if a man be worn out or ill, and is obliged to leave the force, having served 15 years, we think the watch committee ought to have the power to grant to that man half his pay.

4254. Upon a medical certificate of incapacity or ill-health, you would empower the watch committee to grant a pension of half-pay to a man who had served between 15 and 20 years?—That is so; and further, that if he has not completed his 15 years, to allow the watch committee to grant to that man a gratuity, as they think proper, according to his years of service.

4255. According to the system at present adopted?—That is so under the tenth section, I believe. They also recommend that, with regard to a constable who may die in the service being at the time a widower, the gratuity should be paid to his children; and if he has not any children, to his nearest relatives; that would include the single men.

4256. You would let the nearest relation, if a policeman left no widow or children, be entitled to take the gratuity?—Quite so; that would include the single men. The single men say, when they die, there is nothing for them, and nothing for any of their relations; so the men think that, if it includes those who have no children, it includes the single men as well, and they further think that if a constable is killed in the execution of his duty, the watch committee ought to have the power to grant to that widow a larger sum than his year's salary.

4257. That, in fact, a small pension for a limited period, should be granted to the widow, instead of a gratuity, if an officer is killed in the service?—Yes; that a trifle more should be granted to that widow than if he died a natural death.

4258. Upon that point, have the men considered at all whether that should be charged upon their superannuation fund?—Yes, they think it should be.

4259. Not upon the general police rate?—No, only upon the superannuation fund. And they further recommend that when an officer has completed his 25 years' service, he should be compelled to leave the force.

4260. Do I understand you to say that, when a man, at whatever age he has enlisted, has served 25 years, if he is still willing to remain in the force, he should not be allowed to do so?—Quite
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Chairman—continued.

so; they imagine that when a man became entitled to his pension, he might not like to leave, but that if you compelled him to leave, it would give an opportunity for promotion to another officer.

4261. Looking at the matter as a police officer who is naturally careful of his force, would you think it would be for the efficiency of the force that you should get rid of a constable when he is actually a good and efficient man?—If I said yes or no, I might hurt their feelings, so I would rather not answer the question.

4262. Is there any other suggestion which you would like to make to the Committee?—Yes, that if a constable receives his pension, say after 25 years' service, and dies within 12 months, that officer's widow or children should receive a gratuity not exceeding one year's pay.

4263. Do you mean one year's pay, or one year's pension?—One year's pay.

4264. I understand you to suggest that if a man who gets two-thirds of his pay, dies within the first twelve months, then the men of your force think the widow should be entitled to claim a gratuity to the amount of one year's full pay, supposing he had remained an active officer?—Yes.

4265. Not a continuance to them of the pension which he was at that time enjoying?—No, that is their feeling.

4266. You see the difference between the two things. When a man who has retired from the force and who is receiving only two-thirds of his pay, dies, and his widow comes forward to receive the gratuity, should it be a continuation of the two-thirds pension he was then receiving, or should it go back to the pay that he was receiving when he left the force?—The pay that he was receiving when he left the force. And thus a constable who was in receipt of 28 s. per week when entitled to a pension of two-thirds of his pay, would receive at the highest rate 18 s. 8 d. per week.

4267. You are referring now to his pension after 25 years' service, are you not?—Yes, the lowest to be 14 s. per week.

4268. That is for half pay?—No, for the least of the two-thirds, the highest should be 18 s. 8 d. Take a constable who was in receipt of 28 s. per week when he left the force; when entitled to a pension of two-thirds he would receive at the highest rate, 18 s. 8 d. per week, and the lowest 14 s. Now, when he came to the half pay that would be at the same rate, 14 s., while three-eighths of his pay, the lowest scale, would be 10 s. 6 d. per week.

4269. That would be at the discretion of the watch committee?—Yes, we think it should.

4270. Have you considered the question which has been asked other witnesses with regard to carrying service from force to force?—Yes, that is one thing that we have considered over, and the men think that the carrying of service from force to force should count upon promotion only.

4271. That is to say, that when promoted, they should be entitled to carry their service?—That is so, and only in that case.

4272. Do you mean that they should carry the service which is allowed under the Act as at present, that is to say, the half service, or do you think they would go further and say that they should take the whole of it?—Yes, that they should take the whole of it.

4273. Limiting it to cases in which the borough
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Chairman—continued.

or other force had agreed to take the man so changing his force?—Quite so. And there is another matter the men look at, and that is that if a constable has served, say one year or two years in a force, or three years, and leaves the force and is away, say six months or 12 months, and then makes up his mind that he would like to come back again and remain, that that time previously served should count.

4274. That is to say, that if a man should leave the force of his own free will, and they re-enlist him, he should count his back service instead of losing it?—That is so; because we have had several who have left the force and re-enlisted again.

4275. Have they left the force in consequence of finding the duties different from what they expected when they enlisted?—No. I do not think they left for that; it is in this way; Sheffield is a large manufacturing town, consequently the men joining the police come out of the country and they get into conversation with those who are in the works, and leave, thinking they can better themselves, and when they leave sometimes they do not like the work; they are put out, and they come back again and settle in the force.

4276. Do those men come back and settle in the force eventually, or are they generally rolling stones?—They generally remain when they have come back again.

4277. The men think it fair in those cases that if the authorities re-enlist them they should give them the benefit of their previous service?—That is so.

4278. Do you think that this question of the pension enters at all into the idea of a constable when he is being enlisted?—No, I do not think it does in the slightest; but sometimes after eighteen months or two years, or three years,

Chairman—continued.

when they get into conversation with one another they may think the matter over.

4279. After they have contributed to the fund?—Yes.

4280. At first you think it does not make any difference to them?—No, not at all.

4281. And in boroughs the only difference made by the alteration proposed would be that you would retain men in the force after they had been some little time in it?—Quite so.

Mr. Scourfield.

4282. Since you have been in the force, have many police been seriously injured in the execution of their duty in the Sheffield force?—We have had two men who have died from blows they had received in the execution of their duty. I do not remember any more, but I knew two well who died from blows received in the execution of their duty; one was by apprehending burglars in a house, and the other got his injuries by apprehending a man in the lowest part of the town.

Chairman.

4283. In either of those cases did the men leave widows?—One of them did.

4284. And that widow got a gratuity under the Act?—She did.

4285. Whilst the other man's relations did not get anything?—They did not.

Mr. Torr.

4286. The superannuation fund is one much valued by the men, I suppose?—It is.

4287. Would they value it as highly as having an additional shilling or two a week?—I think they would.

4288. Do you think it is absolutely essential to the efficiency of the force?—It is.

4289. Is that the general opinion of the men?—It is the general opinion of the force.

Constable JOHN CARR, called in; and Examined.

Constable
Carr.

Chairman.

4290. You belong to the Liverpool police, I believe?—I do.

4291. How long have you been in the force?—Nineteen years and six months, and I am now 46 years of age.

4292. Your force is a very large one, is it not?—It is one of the largest forces in the country; it was 1,100 strong, and a month ago the council granted another 100 to it; those men are not yet obtained.

4293. Among a body of men like that, have you considered this question of superannuation?—Yes, I have.

4294. And the men generally feel strongly about it, do they not?—Yes; we have a Police Superannuation Fund Act in force now, and there are a few objections that the men have against the present Act which I will state to you; the first is, to that system of averaging pay during a man's service in calculating his superannuation allowance, instead of allowing him half or two-thirds of his present pay when he is retiring; they go back and average the pay all through his service.

4295. That is to say, they take the different rates of pay he has received, and putting them all together, divide them by the term of his service?—Quite so. The next objection is to super-

Chairman—continued.

annuation for age, and not for service; I will illustrate that in a word. Suppose two men join the force together, one man being 22 years of age and the other 32; they go on side by side for 20 years. At that time he that was 32 years of age claims his superannuation allowance, but the other, who would then be 42, has to serve 10 years more, and pay his contributions 10 years longer to the fund before he can claim anything as regards superannuation.

4296. That is to say the limit of age is 52 in your borough force?—The limit of age is 52 years in our borough force.

4297. The men feel it is a hardship that having served the same period they should not be entitled to take their pensions simply because they are not the same age?—Precisely. Another grievance is the giving percentages on their pay to men who are entitled by their age to retire; that is to say, men who are 52 years of age, if they are willing to remain on, are allowed to remain on and receive, in addition to their pay, a certain percentage from the superannuation fund. Another objection we have is to the power invested in the governing body to grant a higher rate of allowance to one man than to another when their claims are equal. Those are the objections we have to the present Act. In consulting the constables

Chairman—continued.

stables generally I find, or rather I think, the majority of them would be in favour of something like the following scale:—After a man has served 10 years, and been rendered unfit for duty on account of ill-health, and certificated by the surgeon of the force, he should be entitled to one-fourth of his pay; and after 15 years' service under the same circumstances, to one-third of his pay; after 20 years' service, under the same circumstances, to one-half of his pay; and after 25 years' service to be entitled to retire on two-thirds of his pay, independent of any surgeon's certificate.

4298. That having completed 25 years' service he should retire because he wished it?—Yes.

4299. Not requiring that he should be in any way incapacitated?—No; that he should be entitled to claim his allowance and retire.

4300. You suggest, I suppose, that the gratuity system should remain for the shorter periods, namely, under 10 years, as it is at present?—Yes, the present Act allows the watch committee to grant a man a gratuity at the rate of 20 days' pay for each year he has served under 10.

4301. You think so far it might remain?—Yes, I hear nothing against that.

4302. Do the men talk about this other question of changing their force and carrying their service with them?—No, I have not heard many of them advocating that. I have heard a few advocating it, but those have mostly been men who have been in other forces and joined ours, and would be glad to get their former service to count. I think as a rule, that is not desired by our men.

4303. You are probably of opinion that if any change of that sort took place it might lead to men constantly changing their service?—Yes, it would give too much scope and freedom to wandering characters.

4304. And that naturally, taking an interest in your force, you would not wish to encourage?—I do not.

4305. Do you think this superannuation question enters at all into the mind of a policeman when he first enlists?—I do not think it enters into his consideration so much when he first joins, but after a few years there is no doubt if the superannuation fund was on a more satisfactory basis, it would induce men to stay on, who very often go away to other places.

4306. That is, supposing a man felt that he could count upon his pension, he would not like losing the contributions he had made towards it?—No, if he knew it was a certainty, and if it was in that state which the men considered fair and just, namely, that after a certain number of years, notwithstanding what age he might be, he could claim it.

4307. Are there many changes in your force?—There are many changes, although not so many as there used to be; in the year ending 29th September 1873, 155 resigned; 38 were suspended; 11 died, and 8 were superannuated, making a total of 212 men; but I have heard it stated that preceding that time, the men left at such a rate that in five years' time the force renewed itself.

4308. That upon the average a fifth left each year?—Yes.

4309. Upon your figures it appears that a sixth left in that year?—Yes, 155 resigned.

4310. Were those men men who had any length of service attached to them?—Some few of them would have as much as 10 and 12 years, 0.94.

Chairman—continued.

but not many; there are very few who would leave at that time, but I have known some do so, when they found anything which they considered much better.

4311. Do they leave it in consequence of other situations affording more profit and less work?—I cannot say; no doubt they would fall into suitable situations.

4312. Do you think that a system of pensions that the men could count upon would counteract that practice of leaving the force?—I have no doubt of it.

4313. You think that would retain in your service men of that kind instead of their leaving it?—I believe so.

4314. What is the rate of wage at enlisting of your lowest class constables?—The lowest class constables' wage is 26 s. 8 d.; the council raised the pay about a month ago.

4315. I suppose there has hardly been time for you to judge whether that rise in the wage has prevented the men from leaving?—It has helped, no doubt; there are not so many leaving now; in fact, there are not so many left or resigned for years as used to leave formerly, because the pay has been raised two or three times within some years back, and there has been another thing, the hours of duty have been modified and made rather easier, and the men have been allowed a week's annual leave instead of three days; all those things have tended to keep the men together better than they used to do.

4316. The service has been made much more pleasant than it was?—It has, but still the superannuation is the stumbling block; if the superannuation was upon a better footing it would tend to keep the men longer in the force.

4317. You think that the uncertainty is the principal point of that stumbling block?—I think the right to claim a pension should be at a fixed period of service, because now a man who joins at 22 has to serve 30 years before he becomes entitled to superannuation.

4318. Would you allow a man to count his service from the time of his joining the force?—Quite so.

4319. You would like the police force to be popular in the borough, and for this purpose, there should be no feeling of injustice upon the other side; do you think there would be no feeling of injustice in a man who enlisted at 18 taking his half-pay at 38?—That could not be, because we do not take them on till they are 22.

4320. Practically, you do not allow them to begin contributing to the fund until they are 22?—They are not taken on until they are 22; they are not eligible to become constables.

4321. Is that under your Act?—No, that is a regulation of the force.

4322. Therefore it results in this; all you ask is, that a man after 20 years' service, when he is 42 years of age, should be entitled to his pension?—Not if he is in good health; we think he may serve 25 years.

4323. But that is the first period when he should claim a pension, namely, when he arrives at that age, which really is 42?—The right of claim should arise at 25 years' service.

4324. But really it is fixing your first claim to pension at the age of 42, when you say a man should claim half-pay on 20 years' service?—Yes, but that should be under the medical certificate.

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4325. Then,

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Chairman—continued.

4325. Then, practically, the earliest time at which a man would have a right to claim a pension in your force, if your suggestion was adopted, would be when he had arrived at the age of 47?—Quite so; whether our authorities would be agreeable or not to pension at that age, I cannot say, and whether the funds would stand it or not I cannot say.

4326. But my question was entirely met by saying that there was a fixed age of enlistment; my point was that possibly the borough authorities might object to see a man claiming as a right a pension, when he was only 42 or 43 years old, when he was practically as serviceable as a man could be; that would be met by your limit of 22 years as the age of enlistment?—Quite so.

4327. Has your force considered the question of extending to children or relations the gratuities payable on officers being killed in the force?—I have not heard much about that. Under the Act as it is now, if a man is killed in the execution of his duty, or has good service and dies naturally, there is always some allowance made to his wife and children.

4328. Is that under your private Act?—It is.

4329. Under the private Act relating to Liverpool, there is power to grant gratuities to the widows and children?—I do not know about the children, but there is a power to grant to the widow.

4330. Then you do not know whether they have given any pensions to children in the absence of the widow?—I do not know any instance of that.

4331. Is there any other point which, as speaking for the force of Liverpool, you would like to submit to the Committee?—I do not know of anything else. I have stated I think all the objections that the men have to the present Act, and I have suggested what they would wish for the new Act.

Mr. Torr.

4332. You are aware that your superannuation fund is divided into two portions?—It is.

4333. The men take no notice of that, do they, as to one being solvent and the other insolvent?—No, the men know generally very little about that. What is called No. 1 account, consists of men who belonged to the force prior to the passing of the Act; they are all old men, and ultimately that account will die out. All the young men who have joined since 1854, belong to account No. 2.

4334. Do you suppose there would be any objection upon the part of the men to see those two funds blended into one?—I could not say; if the younger men took the thing into consideration, and were to agitate the question, and to consult among themselves, I have no doubt there would be some objection to that; I think it is a question that very few of the men think of.

4335. You stated that your force was increased by 100 men recently; have you not had a good number of men applying since the last rise in your wage?—Yes, a good many have applied, but all that apply are not taken on.

4336. But still the rise in the rate of pay has facilitated your recruiting?—Yes, it has.

Mr. Scourfield.

4337. From what class of persons do you recruit your police force generally; from the county, or from persons employed in the town?

Mr. Scourfield—continued.

—We do not get so many from the town; they come mostly from other parts.

4338. And when they leave your force, into what occupations do they generally go?—Liverpool is a very large place, and a place of great trade and business, and the men look out for other situations in the town; some leave the town altogether.

4339. But when they are disappointed, in bettering their situations, does it often happen that they apply to be re-admitted to the police force?—Yes, men do come back sometimes if they have been disappointed in what they went after.

4340. Do you think that they ought to be entitled to the same retiring pensions when they have left their force, and found they cannot better themselves, and then come back, as if they had remained in the police force all the time?—According to the present Act, the watch committee has the power to allow their former service to count if they have served previously in the same force and left.

4341. I gather, if I heard correctly what you said, that you made some complaint of the members of the watch committee granting larger pensions to one man than to another?—That is under the present Act. When a man has served 20 years, and is 52 years of age, the watch committee has power to grant not more than two-thirds, nor less than one-half; they have the power to vary betwixt those two scales. Two men may go up for superannuation together, and they may have equal claims, but one man may have been rather unfortunate, and have been reported a time or two, and got his books marked a bit, and because that has been so, they may give him the lowest that they can give him, and they may give the other man, who may have a good character, the highest that they are allowed to give.

4342. Do you think that two men, one of whom has never been reported against, while the other has been reported against, have equal claims?—They both pay the same thing into the fund throughout the service; I am just giving you what I think is the idea of the men, and many of them look upon that as a grievance, although my own opinion is that a man who commits himself is scarcely entitled to the same pension as a man who conducts himself well.

Chairman.

4343. You think that the men feel that when a man has misconducted himself in any slight way, it is a question of discipline which is punished at the time, and should not be allowed to be called up against him afterwards?—That is just the feeling.

4344. Do you think that the men feel that, contributing as they do 2½ per cent. towards this superannuation fund, practically they are supporting the fund, and therefore ought to be entitled to the benefit of it?—Yes, they feel that that is the case, I daresay, although I think that most of the men must know that their contributions of themselves would not support the fund.

4345. Do you look upon their earnings as another mode in which they support the fund?—I do.

Mr. Torr.

4346. What wages do you receive?—Thirty shillings and tenpence; 28 s. 10 d. as a first-class constable, and 2 s. a week as a member of the Liverpool Fire Brigade.

Friday, 11th June 1875.

MEMBERS PRESENT:

Mr. Fairfax Cartwright.
Mr. Cotes.
Colonel Dyott.
Mr. Grantham.

Mr. Scourfield.
Sir Henry Selwin-Ibbetson.
Mr. Torr.

SIR HENRY SELWIN-IBBETSON, BART., IN THE CHAIR.

Mr. WILLIAM HENDERSON, called in; and Examined.

Chairman.

4347. I BELIEVE you are the Chief Constable of the borough of Leeds?—I am.

4348. I think your attention has been called to some evidence which has been given before this Committee by an officer of the name of Gibson?—That is so.

4349. In that evidence Mr. Gibson stated that he was a superintendent of the Leeds police force, and from a letter you have sent me I infer that there is some slight mistake about that statement which you wish to correct?—There is.

4350. Will you tell the Committee what position Mr. Gibson holds in the Leeds police force?—Mr. Gibson ranks as an inspector upon the strength of the police.

4351. Do you consider that he was able to speak for the Leeds police force, as representing the men?—I do not.

4352. What is your reason for saying so?—Mr. Gibson is a man who mixes very little with the force; he has nothing whatever to do on ordinary occasions with the control or the management of the force, his duties being simply confined to the regulation of the cabs and hackney carriages in the borough.

Colonel Dyott.

4353. He is an inspector, is he not?—He is an inspector of the police, and he holds the honorary rank from the hackney coach committee of superintendent of cabs; it is a somewhat anomalous position.

Chairman.

4354. You think that Mr. Gibson was not justified in saying that he could speak entirely for the force under your control?—I am quite sure that he was not justified in saying so.

4355. You have called my attention in your letter to certain questions that were put to him, and the answers made by him; are there any points in that evidence that you wish to speak to individually?—I only wish to speak to those points referred to in my letter.

4356. Have you a copy of that letter?—I have (*producing the same*); I think I might state at this stage that the reason why the matter was brought prominently before me was, that several of the old officers having seen Mr. Gibson's evidence before this Committee published, felt con-

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Chairman—continued.

siderable indignation at his taking upon himself to represent them, because they had heard nothing at all about it, and some of them did not think that he had expressed their views upon the matter.

4357. The men expressed dissatisfaction with the evidence which he had given?—They expressed dissatisfaction with his evidence.

4358. Are you aware how the men became acquainted with the evidence which Mr. Gibson has given?—The evidence was published in the local prints, and also in the "Police Guardian."

4359. And having seen that, they expressed a wish that their own opinion should be heard before this Committee?—That is so.

4360. Have you any remarks that you would like to make to the Committee, with regard to the Questions and Answers 2696, 2697, 2698, and 2699, which refer to a man who has been six months on the sick list in your force?—Yes; but before coming to that I should wish to state, with your permission, that after I received the letter from your secretary I thought that as the question ought to be put upon a sure foundation, it would be advisable to call a meeting of the men composing the force to ask them to state in a definite manner what their feeling really was upon the matter, and about two-thirds of the men came together for that purpose, and they, unanimously, with the exception of one dissident, disagreed with the evidence which had been given by Inspector Gibson.

4361. Did the men disagree generally with the evidence, or only with regard to certain particulars?—They disagreed in the main, with regard to the question of length of service before pension.

4362. Perhaps it would be better if I asked you a question with regard to that point after I have cleared up the evidence. Is there anything before that Question 2696, to which you would wish to call the attention of the Committee?—No. With regard to the officer who has been six months upon the sick list, I wish to state this, that that man is a man who has naturally been of a very robust constitution, but latterly, for about six months, he has fallen into a delicate state of health. The medical officer, to whom I have applied every week, and sometimes twice a week, to ascertain the state of the man, has

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Chairman—continued.

always expressed a hope that this affection, which is one of the chest, would be removed, and has kept him on in the hope that he would be able to do duty again; he is a big, strong man to look at, and the surgeon had every hope that he would be able to do duty again. I have had him put upon the short list, seeing the length of time that he has been upon the sick list, for the purpose of recommendation to pension, and I have asked the surgeon to recommend him; but the surgeon has always said that he could not honestly recommend him to the committee for a permanent pension.

4363. Has he been upon the sick list for a long time?—He has been upon the sick list for about six months.

4364. Previously to that he was a strong man?—He was.

4365. At Question 2698, Mr. Gibson is asked, "He is not recommended for pension because, I suppose, his chief constable hopes that he will recover and return to his duty?" And the answer to that is: "We have a young chief constable, who has lately joined. This case, which I have referred to, is one in which a pension would be of little avail; our men in Leeds know that the man is almost dying; I saw him two or three days ago, and he said, 'I am afraid I shall never go out of my house again;' and a pension to him would be of little avail, seeing that he is, at 57, standing with one foot in and the other only just out of the grave?"—I can only characterise that as one of the grossest exaggerations which I have ever heard.

4366. From your knowledge, that is not a correct version of the case?—It is not.

4367. With regard to questions and answers Nos. 2710 and 2724, where the witness spoke with reference to your own opinions; had he any authority for so speaking?—He had none whatever.

4368. Mr. Gibson is asked, at Question 2710, "Do you think that would be the view of Mr. Henderson?" To which he replies, "I spoke to him only yesterday, and he said he thought we should not get what we asked for." Did you speak to him?—I spoke to him for a minute, when he showed me the order he had received to appear as a witness; he showed it to me upon the Town Hall steps, and he asked for leave of absence. I said, "Certainly you must go, Gibson, if you have got this order; what changes are you going to bring about?" He said, "I do not think any changes are wanted; I think the Act is quite sufficient, if the constables can claim after the same length of service at which the watch committees have now power to give or refuse;" and I then said, in a sort of half credulous way, "I am afraid you are asking a great deal more than you will get;" and then I left him; that was all the conversation that ever took place between us.

4369. With regard to your own previous service, I understand that you were eight years in the Manchester police service?—I was.

4370. And that previously to that you were three years in the Glasgow police?—I was.

4371. Do you think the witness Gibson had any authority for speaking of the views of the watch committee at Leeds?—I do not see how he could when he never was before the watch committee in his life, except when he was appointed; he has nothing directly to do with the watch committee at all.

Chairman—continued.

4372. Is there any other question in that evidence which was given, upon which you wish to comment?—No. With the exception of that disabled constable, or rather that constable who has been sick; you asked me a question, and you did not get my answer to it; you referred to Gibson's evidence, in which he was asked whether I hoped he would be able to return to duty. I will explain that by saying that when I saw that the man was upon the sick list for a considerable time, and noticed his length of service, I at once appealed to the medical officer, and asked if it was not a proper case for recommendation for a pension, and the medical officer said, He has been a fine strong man, and in a short time he will be all right again; he was a fine strong man, and I did hope that he would be able to bear a number of years' service yet. I have an officer in the service who has been a number of years longer in the force than he was, and he never misses a day's duty.

4373. I understand you to say that the force under your command have taken a very deep interest in this question?—They have.

4374. And are you aware that they desire a change in the present system of pensions?—They desire that very strongly.

4375. Can you state to the Committee what form that desire takes, if it has come to your knowledge?—Their feeling is that a man, after he has served 20 years, should be entitled to claim one-half of his pay, and that after 25 years' service he should be entitled to retire upon two-thirds of his pay.

4376. That instead of the present system, in which the discretion is left with the watch committee, it should be an absolute right of retirement, supposing a man had served well for 20 years?—Yes, upon half of his pay.

4377. Rising to two-thirds of his pay after a longer period of service, up to 25 years?—Yes.

4378. What is your own feeling from your knowledge of the police force with regard to the effect of such a change upon the force?—I think such a change would have a very material effect upon the force; it would do away with the great amount of uncertainty and dissatisfaction which exists now amongst the men.

4379. Do you think that that uncertainty and dissatisfaction at all tends to men leaving your force?—It does.

4380. You think that by the change you have suggested to the Committee, you would keep men in the force for a longer time by the inducement of a certain pension which would be held out to them?—I am clearly of that opinion.

4381. You imagine that that change would be for the benefit of the force?—I am sure it would.

4382. What is the number of your force?—The total number is 315.

4383. Can you tell the Committee what proportion of change takes place in your force annually?—A very large proportion. Since the inspection last year, there have been nearly 80 changes.

4384. Is that a number which is an average for the years generally?—It is rather in excess for last year.

4385. Was that in consequence of the rate of wages in the neighbourhood being higher than your present rate of enlistment wages?—Yes, both

Chairman—continued.

both in other police forces and in ordinary trades.

4386. Have the wages in trade in the neighbourhood risen during the last year?—They have.

4387. I suppose that the reason why a larger proportion of men than usual have left during the year is, that the police wages have not risen during the same time?—That is so.

4388. You stated that the men, as far as you have ascertained the opinions of the force, ask for a fixed pension after 20 and 25 years' service?—That is their wish.

4389. Therefore you do not agree with what Mr. Gibson states, when he says that 15 years should be the period at which a man should claim a pension?—I put the question to them, two-thirds of them being present, and one man held up his hand for a pension from 15 to 20 years' service, and every other man held up his hand for a pension from 20 to 25 years' service. The men wished me to state to the Committee that they had no desire to be unreasonable; they were anxious to keep up their character for being reasonable in their demands, and they stated that they thought that from 20 to 25 years' service would be a more reasonable period of service, seeing that men joined at from 20 to 25 years of age, than the other period of service. They thought that Inspector Gibson was asking a little too much.

4390. Would you suggest any alteration from what they have suggested in the rate of pension; that is to say, do you think that they should take the full half or two-thirds, or would you recommend that there should be a maximum, and a minimum between those two periods?—I think it would be simpler and more satisfactory to adopt the two figures.

4391. Is there anything further which you wish to suggest to the Committee?—Yes, with regard to the change of service between one force and another.

4392. Do you think that the law, as it is at present, is satisfactory, or the contrary?—I think it satisfactory to a certain extent, but not to the whole extent.

4393. At present, as I understand it, the law is that a constable who has been promoted from one force to another has a right to claim half of his previous service if he has been seven years or more in a force; would you suggest any alteration in that respect?—I do not think, when an officer is promoted, it is fair to take any of that man's service away.

4394. When one party consents to give him up, and another party consents to take him, and he goes to a higher rank, you think he should take his full service with him?—I think so.

4395. Would you adopt what has been suggested to the Committee by some of the witnesses, that a man, whenever he changes, should carry with him his term of service?—By no means.

4396. That would not, in your opinion, benefit the service by keeping men in their particular forces, which is one of the objects you would have in view for maintaining the efficiency of the force?—Quite so.

4397. The constables generally have also a feeling that in the case of a constable dying upon duty, his children, if he leave no widow, should receive the gratuity?—Yes, the men consider it very unsatisfactory indeed, that because a man

Chairman—continued.

happens to be a widower at the time of his death, and leaves no widow, the children cannot claim.

4398. They would ask, that when a man dies leaving children, but no widow, the children should take?—Quite so.

4399. Do you think that would be any injustice to the single men of the force?—I do not think so.

4400. They would not ask also that their relations should take?—No; I do not think they should.

4401. You would, however, suggest that the gratuity should be extended to children where there was no widow?—Yes; I think that a wholesome restriction might be put upon carrying that too far, by limiting it to children of a certain age.

4402. You would, I presume, limit the giving of gratuity to children dependent upon the constable at the time of his death?—Quite so.

4403. Sixteen years of age has been the time which has generally been suggested; do you think that is a sufficient limit?—Sixteen is rather an early age. I think I would carry it until they were able to do something for themselves. The wages to be obtained by a child at sixteen are rather trifling.

4404. Is that all you would wish to suggest to the Committee?—I think that embodies all the points I wished to bring forward.

Colonel Dyott.

4405. I should like to know how this man Gibson came to be called as a witness. You are at the head of the force, are you not?—I am.

4406. Were you consulted at all about his coming?—I was not consulted at all. I knew nothing at all about his coming here until he showed me the order for his attendance before you. Mr. Gibson has always, even before he joined our service, been a man taking an interest in the matter, and writing to the newspapers, and generally making a public question of the matter.

4407. A species of agitator, I suppose?—Just so.

4408. Now, with regard to your fund, it appears that you stop two per cent. from the pay of the men, instead of 2½ per cent.—We do.

4409. None of the penalties on drunkenness, where the police are informers, are placed to the credit of the superannuation fund?—None at all.

4410. It all goes to the borough fund, does it not?—Quite so; it all goes to the borough fund.

4411. And the same with regard to the service of summonses and the execution of warrants?—It all goes to the borough fund.

4412. Can you account for the fact that in this Leeds force you have so flourishing a condition of the funds when you get less than a thousand pounds, so far as the stoppages are concerned, and none at all from those other sources of revenue which most funds derive something from?—We carry half of the sick pay, that is half of the whole pay, to the superannuation fund.

4413. When the men are sick?—Yes; when half of their pay is stopped that goes to the superannuation fund.

4414. Is the other half which is left for them

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Mr.
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Colonel Dyott—continued.

enough for them to live upon?—It must be according to the rules.

4415. But do not you think that, when a man is sick, he wants a little more to support him than when he is well?—That is my own feeling.

4416. That is my feeling too; then how is it that in this force you stop the half of the pay, and credit it to the superannuation fund at the time when the men really require more support and more sustenance?—I have been only a few months there, and that was the case long before I went there.

4417. You think that accounts for the state of the funds?—To a considerable extent; there are only 14 pensioners altogether.

Mr. Scourfield.

4418. I have only one question to ask you, and that is about the particulars of this man's illness to whom you refer; when did he begin to be affected?—About six months' ago, in the winter time.

4419. And he has been ill ever since?—He has.

4420. Is he better now?—I believe he is. I have seen him several times.

4421. Do you know exactly in what month he was taken ill?—It was in December. The doctor was in hopes that when the fine weather came it would do away with the bad effects of the winter weather.

Chairman.

4422. Your fund, I see, was established in 1861?—It was.

4423. And the sum which is stated in the return as the balance in hand on the 29th September 1874 has been reduced during this year by a large payment for gratuities?—It has.

4424. The amount is now under instead of over the 4,000 £.?—The fund is now under 4,000 £. The chief constable died last year, and a gratuity was given to his widow; and a superintendent died, and a gratuity was given to his widow also. The gratuities have been very heavy recently.

4425. With regard to the fourteen pensioners, have they come upon the fund since 1861, or are they men who became entitled to pension before 1861?—There are three of them paid from the borough fund, and the others are paid from the superannuation fund.

4426. I imagine the first three constables were in the force prior to the establishment of the superannuation fund?—That is so.

4427. And there are 14 pensioners, as you say, chargeable to the superannuation fund?—There are.

4428. Have they been upon the fund many years?—Yes, but it has been a steadily increasing fund for a number of years.

4429. Can you give the number of men in

Chairman—continued.

your force that are over 20 years' service at present?—There are 19, I believe.

4430. Are the ages of those men approaching 60 years?—A number of them are.

4431. Therefore you may anticipate that your list of pensioners will be increased before very long?—Very considerably.

4432. Do you consider that your fund, as it exists at present, is likely to be self-supporting?—I think it is in a very unsatisfactory state.

4433. Do you think that any steps should be taken to strengthen the condition of the fund?—I think the power given under the Act, as far as regards devoting a moiety of the penalties to the superannuation fund should be adopted.

4434. You think that the discretion of the magistrates should not continue, but that they should be obliged to grant the moieties, which it is optional with them to do at present, to the fund?—I think so.

4435. With regard to the fees for the service of summonses and the execution of warrants, do you think that those fees might be applied to the fund?—I think so, certainly.

4436. Do you think that any other sources of revenue might be applied to the fund?—I do not. I have always considered, taking the Superannuation Act into consideration, that there was plenty of provision for keeping up the superannuation fund if they were properly applied.

4437. Can you give me any explanation of how the receipts of the year are over 1,000 £. in a force of 315 men, if no penalties are applied to the fund?—I thought I had answered that question already.

4438. You have stated that the fund is made up, first of all, by the contributions of the men at the rate of 2 per cent.; secondly, by all sick pay, which is one-half of the pay of the officers on the sick-list; and, thirdly, all fines inflicted upon officers for misconduct, and, I presume, also the interest upon capital and the proceeds of the sale of old clothing?—That is so.

4439. Those are the sole sources of revenue your fund possesses?—They are.

4440. And they produced you 1,000 £. last year?—They did.

4441. Has that been an exceptional year or not?—It has been very much the same, upon the average.

4442. At present the fund is not supported by anything beyond the actual instructions of the Act?—It is not.

4443. It is not supported by anything beyond the obligatory deductions and contributions in the Act; that is to say, the deductions from pay, the stoppages from sick pay, the sale of old clothing, and the interest upon capital?—That is so. I have brought with me, at the suggestion of your secretary in his letter, a constable, in case the Committee should wish to examine one; he would state only just what I have stated myself.

Constable EPHRAIM KERSHAW, called in; and Examined.

Constable
Kershaw.

Chairman.

4444. I BELIEVE you are a Constable of the Leeds Force?—I am.

4445. You have heard, I presume, the evidence which has been given by your chief constable?—I have.

Chairman—continued.

4446. Are you able to speak for the men of your force?—Yes.

4447. Were you present at the meeting which the chief constable mentioned?—I was not; I was engaged at court at the time, but there were six

Chairman—continued.

six men who waited upon me afterwards, and told me the feeling of the men who were present at the meeting.

4448. You think, from your knowledge of the men of the force, that they feel strongly upon this point?—They do.

4449. They think that the present uncertainty should be changed, and that a fixed period of service should entitle them to a fixed scale of pension?—That is so.

4450. Are you able to speak for the men as to the time at which that should take place?—The wish of the officers as well as myself is, that it should be a fixed period of from 20 to 25 years.

4451. As stated by Mr. Henderson?—Yes.

4452. Now, from your own knowledge as a constable, do you think that this question of pension enters into the mind of a constable when he enlists into the force?—Yes, I think so.

4453. That when a man first joins the force, he considers the question of pension as part of the inducement to join the force?—Yes, but he would think more of it if it were a fixed period of from 20 to 25 years.

4454. But do you think that under the present system the question of pension enters at all into the consideration of a constable when he first joins?—That I cannot say.

4455. Do you yourself consider that you were at all induced to enter the force by this system of superannuation?—I think I was.

4456. Do you think that if it were established as a right, it will still more largely enter into men's feelings as an inducement to them to enter the force?—I think it would.

4457. Do you think it would tend to retain them in the force?—I do.

4458. That after having contributed to the fund, they would not like to lose what they were entitled to?—They would not.

4459. Have you anything to say with regard to counting service on promotion?—The men wish me to state that if a person serves in a force seven or eight years, and he leaves it at the recommendation of the chief constable, half his service should count in the other force.

4460. Upon change or upon promotion?—Upon changes; but upon promotion that the whole of a man's previous service should count.

4461. The men would wish that upon promotion the whole of a man's superannuation service should count, but they also think that when a man changes from one service to another as a good conduct man, he should be entitled to count half his previous service?—That is the general feeling of the men.

4462. And that the length of the service should be notified to the force enlisting him?—Yes.

Mr. HENRY MANTON, called in; and Examined.

Chairman.

4478. I BELIEVE you wish to speak to the Committee with regard to the views of the Watch Committee of Birmingham?—I do.

4479. You are a member of that committee, I believe?—I am.

4480. Have you been long upon the watch committee of the borough?—I am in my twenty-third year of office.

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Chairman—continued.

4463. When a man leaves one force and goes to another, it should be mentioned to the force he is going to?—Quite so.

4464. So that the other force might have the option of accepting him, so to speak, with his engagements or not, as they pleased?—Quite so.

4465. Do you feel at all strongly with regard to the gratuities to children?—Yes.

4466. Do you think that is felt among the force too?—Yes.

4467. You do not think, speaking with regard to the question of the periods of 20 and 25 years, Mr. Gibson, whose evidence you have heard quoted, and had your attention called to, really represented the feeling of the force?—There was not a man in the force who knew he was coming.

4468. You do not think a feeling exists in the force that a pension should commence at 15 years' service, rising to 25 for a larger pension?—It was mentioned to me since Mr. Gibson came up. I never heard it before.

4469. Was your attention called to the matter in consequence of the evidence he gave?—It was.

4470. What is the pay of your men on enlistment?—Twenty-three shillings, rising to 1 l. 7 s. 2 d., for first-class constables.

4471. The rate of wage in the neighbourhood bears a higher proportion to that, does it not?—Yes, it does.

4472. So that a fixed pension, which would tend to retain men in the force, would add very much to the efficiency of the force?—It would.

Mr. Scourfield.

4473. How long have you been in the force?—Sixteen years next month.

4474. Have you ever been in any other force?—No, I have not.

4475. Have you been a police constable all the time?—Yes, and I am one of the police fire brigade as well. I have been in the fire brigade of our force for about 10 years.

4476. Have any of your men been seriously injured in the execution of their duty within your knowledge?—Not very seriously.

Chairman.

4477. There is a question with regard to that, which I should like to ask you; has there been mentioned, among the men of your force, any desire upon their part, that when a man has been pensioned, upon being incapacitated for duty from injury in the service, if he dies within a short time of his being pensioned, anything should be done for his widow or relations?—It has not been mentioned to me.

Chairman—continued.

4481. Therefore you know pretty well the feelings of the town with regard to this question of superannuation?—I think I do.

4482. Has your attention been called upon the watch committee to any desire on the part of the men of the force of the borough for a change?—I had not heard of there being any such desire at all, until I saw the evidence in the newspaper.

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Constable
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Chairman—continued.

I have mixed pretty freely with the men, but I had not heard any dissatisfaction expressed, until, as I say, I saw the evidence in the newspaper.

4483. And from that evidence, you became aware that there had been some feeling upon the subject?—I did.

4484. Your attention having been called to that expression, what is your own opinion, and what do you think is the opinion of the watch committee in the borough with regard to such a change?—The watch committee feel it important that a discretion should be retained, both with regard to the time and the amount at which a man should be superannuated.

4485. The watch committee object to the fixed period and the claim for pension, upon the completion of that period, which have been suggested?—They do.

4486. I wished to know what you, speaking as the representative of the ratepayers, feel upon the point?—I may say, the committee of which I have been a member for the long time I have mentioned, have dealt liberally with the men; very few men are discharged who have been in the force any length of time; more forbearance would be exercised with the hope of improving a man, rather than dismissing him; but if a fixed period of service should be laid down, it is possible that a future committee may say, "Well, if you have a claim, we shall exact more efficient service, or, where we now deal with offences by fine or by reduction to a lower class, it might lead to dismissals"; there is that side of the question, which I think should be looked at.

4487. That is to say, you think there might be an inducement to get rid of a man if he was not a very efficient constable, if it was getting near the time when he could claim, as a right, his pension?—At the present time we have borne with men, in many instances, with patience, waiting till we could superannuate, but there may be a change in other committees at a future time, if it is a fixed period, so that they may dismiss for misconduct where the men would now be reduced or fined.

4488. Do not you think in cases of misconduct of that sort the punishment of the moment would be considered sufficient, and that it should not come up again against a man?—I do not think it does come up again; I do not think any man has been superannuated without my being present, and I do not think any, or very few, have been dismissed within that period. I should say that the general character of a man would be taken into consideration; but we never go back to look for offences beyond three years.

4489. That is to say, if a man is recommended to you by the chief constable as a good conduct man, or is incapacitated upon a medical certificate, stating that he is deserving of pension, you have always dealt liberally with him?—We have. I might say that at the commencement of the superannuation fund we were a little afraid that the fund might not sustain the claims, and we were not quite so liberal as we should be disposed to be now. We have superannuated since 1861, 74 men; from 1861 to 1863 we superannuated 8 men, whose average term of service had been 15 years. They paid into the superannuation fund, 25 *l.* 10 *s.* In 1865 we superannuated 13 men, whose average service had been 23 years. In 1866 we superannuated 11, whose average service had been 25 years. In 1868 we superannuated

Chairman—continued.

12 men, whose average service had been 25 years; making 44. Those 44 were superannuated upon a sum somewhat below one-half; some would have a little more than half; but we have taken into consideration, not particular offences, but a man's general character as a policeman, and some of those men we have kept on till their time arrived, hoping to superannuate them, rather than that they should be cast off without an income, so that some of those men, I would say, were superannuated, I hardly like to use the term, but partly from want of greater efficiency, at a somewhat lower sum; but the whole did not quite reach one-half. The next periods are in 1871, when we superannuated 12 men with an average service of 27 years; in 1874 we superannuated 11 men with an average service of 25 years; and in 1875 we superannuated seven men with an average service of 27 years, the latter 30 receiving rather over half their wages. I may say that the total sum paid in by those 74 men was 1,142 *l.*

4490. That is to say, the 2½ per cent. which has been deducted from their pay?—Yes, and the annual charge of those 74 men is 2481 *l.* 14 *s.*, or an average of 33 *l.* 10 *s.* per man. In addition to superannuation, when any man dies, if he leaves a widow or children, as a rule, we give them about four times the amount that he has paid into the superannuation fund.

4491. As a gratuity?—As a gratuity to his widow or children, except in a special case where there has been any extraordinary injury, then we give a very much larger sum.

4492. You think that, with regard to that system, the uncertainty of it is not an element in reducing the efficiency of your force?—Comparatively very few men leave after they have been in the force four years.

4493. Then out of a force of 470 men, which is your strength, after the men have been in the force four years there are very few who quit it?—Very few; we have a plan of calling upon them to resign; that is a mild form of dismissal; there is not quite so deep a stain upon a man who is called upon to resign; he can get back again into the force if the watch committee think proper to receive him. A man who has been dismissed cannot get back again into the force unless he has the recommendation of two magistrates; and I may say that in such a case as that I have not unfrequently given a man a recommendation of that kind when I have believed that his character has been reclaimed. I have here a return showing the number of men who resigned at their own request, or were ordered by the watch committee to resign; you will understand that men come frequently with testimonials which are found to be of very little value, as a few days' or weeks' experience proves. Under 14 days three resigned; 14 days and under one month, three; one month and under two, two; two months and under three, nine; three months and under four, five; there was none at four months; five months and under six, five; seven months and under eight months, two; nine months, none; 10 months and under 11, two; one year and under two, five; two years and under three, three men; three years and under four, two. There we leave off; there were no more.

4494. There were no constables left last year who had been in your service more than four years?

Chairman—continued.

years?—Not one. Then, if you will allow me, I will show the dismissals. The following men were dismissed: under 14 days, 2; 14 days and under one month, 2; one month and under two months, 6; two months and under three, 8; four months and under five, 3; five months and under six, 3; six months and under seven, 2; seven months and under eight, 3. Those are all the dismissals for the last year, so you see that the whole that were dismissed were 29 in number, none of whom had served quite eight months. These we dismissed rather than called upon them to resign, in order to prevent them from getting into other forces; that was our motive in dismissing them. (*The Tables were handed in.*)

4495. During those very short periods, I suppose, a man would be dismissed from your finding out that he did not come up to the character you received with him?—If a man did not come up to his character he would be allowed to resign; but in one case a man came in twice intoxicated during the month, and he was dismissed.

4496. Those are cases of discipline, I suppose?—Yes, by the sub-committee.

4497. That is to say, the sub-committee in boroughs exercise a discipline over the force in the same way as head-constables in counties?—Yes: all serious offences and all complaints against police officers are brought before the judicial sub-committee.

4498. You are afraid that if a change were made, it might induce an alteration in the liberal scale as at present adopted?—I do believe it would; I believe you would lose some of your moral influence upon the men, because I say that committees lean to mercy rather than severity, in many instances.

4499. But with regard to the uncertainty of the pension, under those circumstances, do you think it is no injustice to ask the men to contribute from their pay to the fund, whilst at the same time the pension towards which their pay is contributed is at the discretion of the watch committee of the day?—If it were not that there is another side to the question, I should say that it was unjust; but when the men contribute only one-third of the amount necessary for the superannuation fund, it becomes an important matter for the other side. I could give particular information upon that point if the Committee wished it.

4500. I wish to ask you another question first; under these circumstances, as there is that uncertainty, and as I suppose you will admit, there is a sort of idea amongst the men, that paying to the fund gives them a claim upon it: would it not be advisable if you retain that system which you suggest you should retain, that you should give up the contributions of the men in order to prevent them from having that grievance against the watch committee?—If we gave up the contributions of the men we should probably have to go upon the borough fund. I believe the watch committee in Birmingham were the party (I myself was one of them) who applied to the Government to meet the deficiencies from the borough funds, if the contributions were not sufficient under the general Act. That acts as a guarantee to the men. I believe our borough fund would have been established earlier, but there was not confidence enough that we should be able to meet the demand.

4501. What was it that you wished to state to

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Chairman—continued.

the Committee just now?—I should like to state the sources of our superannuation fund.

4502. I see it is stated in this return, which has been sent to the office, at 522 l. for penalties on drunkenness and other cases, where the police are informers?—That is not the figure which I have. This is made out by our chief clerk: Deductions from salaries and wages, 1,053 l. 1 s. 8 d.; the service of summonses, and the execution of warrants, 942 l. 16 s. 6 d.; penalties on summary convictions, 491 l. 13 s. 5 d.; interest on investment, 751 l. 19 s. 4 d.; miscellaneous, that is the money derived from the sale of old clothing or minor matters, 94 l. 19 s. 5 d.; making a total of 3,334 l. 9 s. 4 d. as the income to the superannuation fund for the past year.

4503. Whilst your disbursements during the same time were how much?—Not quite 2,400 l.; there are one or two who have died, which would make a small alteration.

4504. So that up to the present time your receipts from income are in excess of your disbursements?—Yes; but we are looking forward to much heavier calls.

4505. That is to say, your fund having been established in 1859, the strain upon it has not arrived?—Not for the superior officers. I am glad this matter has been drawn out, because I think it will enable us to be more liberal in the pensions, seeing that we have a safe sum invested. I think I may venture to speak upon behalf of the watch committee when I say that, seeing it is so little over one half that we have paid, I think in future the men may rely upon more than they have had in the past.

4506. I believe your total amount of capital is something over 19,000 l.?—It is 19,644 l.

4507. In what way is that invested?—It is invested in the corporate funds.

4508. What interest does it bear?—Four per cent.

4509. When you get this larger strain which you anticipate upon your fund in the course of the next few years, do you think the income then will still be sufficient to meet the disbursements?—We think it will, without touching the borough fund.

4510. Or the capital of this fund?—Or the capital of this fund.

4511. Would you see any objection to supporting the superannuation fund by laying down some regulation that the capital of such fund should not be encroached upon, instead of the present system, which obliges it to be entirely spent before you touch the rates?—I do not see any object in guaranteeing that the fund should not be encroached upon, because the borough fund is responsible; it would never endanger the men.

4512. You do not agree with the other witnesses in thinking that the fact of the existence of the superannuation fund, out of which those pensions are drawn, is in favour of the men, because the watch committee of the day is not so careful, perhaps, about the spending money out of the superannuation fund, as they would be if the pension were paid directly out of the vote of the day?—I think in that view it is important to keep the fund intact, so that there should not be any risk of a want of liberality.

4513. Therefore seeing that it would be important to keep the fund intact, would you think

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Mr.
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Mr.
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Chairman—continued.

it desirable that the capital should not be entrenched upon?—I think that is important.

4514. Would you think that it was of importance that a per-centage of income should be applied to the fund, so as to make it sufficient to meet its disbursements?—My opinion is that 20,000 *l.* would be a thoroughly safe guarantee for all future arrangements.

4515. That the income derived from all sources at present, together with the interest from 20,000 *l.*, would be sufficient to meet the disbursements, even when that greater strain, which you anticipate, came upon the fund?—I am quite sure that it will, and I am speaking on behalf of the watch committee, when I say that in future they will probably be more liberal, because the funds will be able to bear it.

4516. With regard to the question which has been asked some of our witnesses with regard to reckoning service on changing from one force to another, would you see any objection where the change of service is on promotion to the full service being allowed to be carried?—I think that is a very reasonable proposition; I think any man who is a good officer has a right to seek promotion if he can; for instance, in a small borough where there may be an advertisement for a superintendent of police, I think a man is perfectly justified in becoming a candidate. I have written characters myself for more than one man, who was worthy of a character, to enable him to get a situation, and we should be very sorry if he did not succeed.

4517. You think that if a man was an efficient officer, he should be entitled to carry the whole of his service with him?—I do, without any hesitation; I think that would be a reasonable and proper thing.

4518. Do the members of your committee think that the Act should also be extended so as to allow gratuities to be given to children as well as to widows?—I have never given that any thought; we deal liberally with all widows and children when a man dies.

4519. Do you grant a gratuity to children now, when there is no widow?—Yes, we do; we give it as a gratuity; our superannuation fund allows us to do it.

4520. Your superannuation fund is created under a local Act, is it not?—Yes. There was a man died a fortnight ago with small pox, and we allotted his widow 20 *l.*

4521. But suppose he had left no widow, what would you have done then?—Then we should have allotted the gratuity to the children.

4522. Under the Act?—Quite so.

4523. Then I presume you would see no objection to altering the law in other places, where your Act does not apply?—We apply it invariably to widows and children; beyond that, we cannot go.

4524. Your borough fund is under a local Act which justifies you in giving a gratuity to children, whereas if you were under the general Act, you would not be able to give the gratuity, except to the widows?—We have never hesitated, and shall not.

4525. Can you state to the Committee what the wages in your boroughs are?—Our wages have increased 35 per cent. since the year 1860; I name this, because it may be of service to other forces with regard to the course that we have pursued latterly. With our third class (we have

Chairman—continued.

abolished the fourth class) we begin at 23 *s.*, that is the lowest class, rising to 25 *s.* in the second class, and 26 *s.* in the first; but every man who is industrious and attentive to his duties can reach our first class within 13 months, say twelve months and a fortnight.

4526. What number of your men are in the first class?—I am not prepared to say, but a great number. I should say that there are three times as many in that class as in any other. Then we have adopted lately that which is not nominally an increase of wages, although it is really an increase, a service class, that every man who has been in the force three years shall have 1 *s.* a week additional.

4527. Have you a good-conduct class?—No, we have a merit class beyond that; that makes a first class man 27 *s.* a week, and after five years 1 *s.* more, making 28 *s.*, and a first class constable, after 10 years, would have 3 *s.* extra; and where men have been well conducted or have exhibited special bravery, we give them 2 *s.* beyond that, making 31 *s.* for a special merit-class man. We have looked at the question, and we think that a policeman should be paid at the same rate as an ordinary mechanic, and we think that the 26 *s.*, with the perquisites, is about equal to a fairly skilled workman.

4528. The object of course being to retain your men when you have got them in the force?—That is so. I may say that our superannuated men, very many of them, better their circumstances by being superannuated. We do not keep men till they are worn out, we should give them a higher sum if we did, but nearly all our men are fit to take situations when they leave. I have a table here of such cases (*producing the same*). Manufacturers are willing to employ such men as those as night watchmen, so that very many of our men who were superannuated are really in better circumstances, because they go and take situations, and then they have their superannuation allowance as well as their wages. I am not speaking of this to diminish the superannuation, but it is a fact.

4529. Are those men superannuated at an early period of service?—Those men have served a good length of time.

4530. Would you state to the Committee what is the age at which your men become entitled to be recommended for superannuation under your local Act, supposing them to be good sound men; you know that the general age for superannuation is 60?—We superannuate them under that age; the night duty is somewhat heavy.

4531. Are those men superannuated on medical certificate, or are they superannuated because they have arrived at a certain period of service?—Those men have not been superannuated from age, but because we thought that nine hours' duty at night was more than some of them could perform with comfort.

4532. In those cases do you require a medical certificate as well as the recommendation of your chief constable?—We do not.

4533. I suppose, in fact, that is done under this local Act, which gives you power to deal with it when you please?—We have had a medical certificate in most cases, but in all cases we do not feel it necessary. I think I may say that perhaps in most cases the medical officer does send in a certificate.

4534. You are aware that under the Superannuation

Chairman—continued.

uation Act a man cannot be recommended for pension until he is 60 years of age, unless it is on the ground of incapacity for service or ill health, and in cases of incapacity for service or ill health he is recommended upon a medical certificate; I want to know whether that is the system you follow out in your borough, or whether, having a local Act dealing with the superannuation question, there are other conditions in that Act which guide you?—I think I may say that most of the recommendations have been accompanied with a medical certificate.

4535. That medical certificate enables you to pension a man under the Act at a time when, if he gets better, he can take other work?—It does so; we have superannuated a number during the last few months far below the age of 60.

4536. What I wanted to know was this: can you give the average age at which your men have been superannuated who you say are employed in other occupations?—I cannot with certainty.

Mr. Scourfield.

4537. Can you tell me what the 1 *d.* rate produces in Birmingham?—It produces about 5,000 *l.*

4538. Do you think that there would be any feeling of dissatisfaction upon the part of the ratepayers if they saw a good number of those men who are superannuated and enjoy pensions, able to join in work which they would consider did not prove any great amount of injury or wear and tear to have been sustained by their being in the police force?—We have superannuated a few that were not very steady; they are better in health in some instances, and there has been some little dissatisfaction expressed at their being so able bodied now they are superannuated, but not to any extent. I think we generally give satisfaction both to the men and to the ratepayers.

Mr. Cotes.

4539. When was this local Act passed?—I think it is the 1851 local Act.

4540. That was some years before the establishment of your superannuation fund; when was your superannuation fund established?—In 1860, but we have been to Parliament since then for our present local Act.

4541. Does your local Act deal with the question of superannuation?—It does.

4542. In reference to the discretion that you wish to retain in respect to the superannuation allowance, both with regard to the amount given, and to the length of service, you think that some such discretion should still be placed in somebody, whether in the watch committee or some other body?—I think so; I think the interests of the force and the interests of the ratepayers would be promoted by it.

4543. Would you leave the discretion absolute, or would you have a maximum and a minimum beyond which they might not pass?—I think I would leave the discretion absolute, because we have a sufficient fund to guarantee dealing with the men in a liberal manner.

4544. Would you have a minimum?—I should not object to one-half being the minimum, because we should not retain men in the force who were unworthy to receive that.

4545. You would say if a minimum of one-half 0.94.

Mr. Cotes—continued.

were retained, there would be no objection to a man receiving half-pay from the superannuation fund because he had not paid so large a sum as that in the amount he had contributed?—I am quite sure the men would be content with that.

Mr. Torr.

4546. Do you consider your fund large enough to make it solvent?—Perfectly so.

4547. Do you give to it all the allowances to which it is entitled by the Act of last year, as regards the proportion of fines?—I would just say with regard to the stoppages of the men, that we deal very liberally; when they are sick we stop a shilling a day, but if they have been injured in the service, or have a family, they invariably make an application for their back sick stoppages, and I should not be wrong in saying that I think we allow three-fourths of the back sick stoppages, so that there is very little comes from that source. If a man has a good character, and says, I have a wife and children, will you allow me my back sick stoppages? we allow them; but it is essential to keep that check upon the men, because some men would be too frequently upon the sick list if it were not for that power of stopping their pay being in our hands.

4548. Have you any limit for the age of enlistment?—Twenty-one is the usual age.

4549. You do not take men under 21?—We may take them a few months younger than that.

4550. And not after what age?—Thirty-two, with this qualification, that if a man from the army or the navy, with a good character, came to us, we have to take a vote from the general committee to receive him, and we should take such a man up to the age of 35 or 40; I am sorry to say we are often deceived with regard to the military men who come in, but we cannot help that.

Colonel Dyott.

4551. In point of fact, where men are sick, you do not stop one-half of their pay?—We stop 1 *s.* a day.

4552. You make them a return?—We make them a return; we do not stop it actually.

4553. Your fund is altogether in a flourishing condition, and we see that it is so; you have been asked with regard to giving men a right to pension after a certain number of years' service, how do you think this plan would work; supposing there was one fund for superannuating people discharged from age or infirmity, or being incapable of performing their duty, and another fund, called a pension fund, the object of which was to provide pensions for men who were discharged after a certain number of years' service, not being incapacitated from age or infirmity, or anything of that kind, that pension fund to be raised from all those other sources, irrespective of stoppages of men's pay, such as penalties in cases where the police are informers, the service of summonses, and the execution of warrants, and all the other revenues which we have heard of, such as pedlars' licenses, and the charges for testing weights and measures, and so on, which in some instances go to this superannuation fund; supposing these sources of revenue were all put into one fund, and the pensions to be taken out of that fund, while the stoppages of men's pay went

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went to another fund exclusively for superannuation allowances, do you think, from your long service in the watch committee, that a system such as that could be worked to the satisfaction of the ratepayers as well as it is now done when all the sources of revenue are incorporated into one fund?—I think the combination of the whole is far better, as, in that case, no one party can suffer from that combination.

4554. If it was resolved to give men pensions after a certain number of years' service, although they were not worn out in the service, do you think the ratepayers would not object to see men walking about in the enjoyment of a pension, which in reality comes out of the rates, while they were well able to continue their service?—I am quite sure, so far as my knowledge extends, that there is no unpleasant or illiberal feeling towards men who are engaged in other employments; the objection was only raised in two or three instances where the men were not very steady and recovered; and probably if we had thought they would have recovered we should not have pensioned them off when we did; there are only three or four cases of that description.

4555 That would be an exception to the rule?—It would be quite an exception; I believe the burgesses of Birmingham are perfectly satisfied with the way we have dealt with those men and their superannuations: they are a respectable body of men, and can get situations, and we are very glad to know that they do get situations.

4556. My attention has been called to some evidence which has been given with regard to Birmingham already; I see Mr. Glossop states in his evidence that the men themselves are not satisfied with the scale of liberality which you

Colonel Dyott—continued.

measure out to them?—I would not say it is not so; but we have not heard of the dissatisfaction.

4557. In Mr. Glossop's answer to a question put by one of the Members of the Committee he states that the scale of gratuities is more the scale which is adopted in superannuation than a scale of pensions according to the Act?—I know Mr. Glossop has mentioned to me that we had not reached the maximum; but I was not aware he was coming up till I saw his evidence reported.

4558. In answer to a question, I see he says the watch committee allow a man's necessities to enter into their consideration; that where a man has managed to save, by economy and good conduct, a certain sum, that is considered in the giving of his pension?—I have not known a single instance of the kind. I should be ashamed to adopt such a course. I should rather say that a man is to be commended for his prudence and care.

4559. At the same time, he says, the police are very anxious that the word "shall" should be put into the Act instead of "may"?—I do not know a single instance where a man by his industry and care had saved something where it has told against him in superannuation. I have known a case in which we have given a man a shilling or two more because he has had a family.

4560. At the same time you will agree that the subject upon which you said you were not aware there was any feeling in the force has been represented very strongly to the Committee by the chief constable and one of the men in the force?—I was not aware of that.

Colonel JAMES FRASER, C.B., called in; and Examined.

Colonel
Fraser, C.B.

Chairman.

4561. You are in command of the police force for the City of London?—I am Commissioner of Police of the City of London.

4562. You have been sometime in that position, I believe?—For nearly 13 years, and previously to that time I had been chief constable of Berkshire for seven years.

4563. Your attention has naturally been drawn to this question of the superannuation of the police force?—Yes, it has.

4564. Would you state to the Committee the conditions under which the pensions in the City force are at present granted?—They are granted entirely in accordance with the 12th clause in the City Police Act, which is precisely similar in terms to those in the other Police Acts throughout the country, enacting that a man who after serving 15 years and less than 20 years, is discharged from infirmity of mind or body, and is no longer capable of doing his duty, shall be eligible to receive a pension equivalent to one-half of his pay.

4565. That is under the 12th Section of the City of London Police Act?—It is; and after 20 years' service he is eligible to receive a pension equal to two-thirds of his pay.

4566. In that force, as in others, the granting of the pension is discretionary; there is no right to claim it?—A man has no right to claim it although he may be 60 years of age, but in that

Chairman—continued.

case it is not essential that he should be certified by the Commissioner to be incapable, from infirmity of mind or body, to discharge the duties of his office; but the Act goes on to say, that "Nothing herein contained shall be held to entitle any constable absolutely to superannuation allowance, or to prevent him from being dismissed without superannuation allowance."

4547. That applies just as much to the question of age as it does to the 15 and 20 years' service, does it not?—Entirely.

4568. Are you aware whether there is any expression of feeling in your force with regard to this system of pensions?—I do not think there is any feeling of dissatisfaction just now with regard to the pensions. I think the average rate of pensions which are received by our men now is larger than it would be found to be in most forces; but I gather, that the men would prefer to have a right to claim a pension after a fixed number of years' service, irrespective of age. Just now, as a rule, I think that all the men, or the greater number of them, who have been pensioned, are over 50 years of age.

4569. Do you mean that the men who are pensioned are pensioned on medical certificate after a short period of service?—None of those men, or very few of them, reach the age of 60 before they are pensioned.

4570. You think that the men, whilst being satisfied

Chairman—continued.

satisfied with the present system, would nevertheless prefer a system which would give them what the other forces seem to be asking for, that is to say, a power of retiring after a certain period of service?—That is my belief.

4571. And with regard to your own feeling about the efficiency of the force, do you think that would be an advantageous change?—Yes, I think it would. I think it would induce men to remain in the force with the view of being able to claim a pension before they were broken down.

4572. And I presume, in your opinion, the certainty of a pension after a certain number of years would tend to increase the efficiency of the force by retaining the men in it?—I think so.

4573. Do you find that there is a great amount of changing in your force at present?—I find the number of the force is turned over, so to speak, in eight years, from all causes.

4574. Could you say whether that eighth of the force who change annually consists principally of newly-enlisted men, or not?—Yes; the changes are principally amongst the newly-enlisted men.

4575. That the men, finding the duties different from what they expected, leave the force?—Yes. I think you will find that the men who stay in the force three or four years will continue to serve, as a rule; the exceptions are the men of short service.

4576. With regard to this fixity of pension, do you think that it would have any effect upon those men who now leave your force?—I think it would. If they knew that they had a right to claim a pension, instead of going away when their health was comparatively good, they would be induced to remain, if it was explained to them upon joining.

4577. That, of course, would be an advantageous system, if it tended to their remaining in their force?—Undoubtedly it would.

4578. The superannuation fund, I think, in the City is beginning to show rather an unfortunate history?—It is; the fact is, it is very nearly exhausted; it is being exhausted intentionally just now.

4579. Under the Act?—Under a private Act which was passed last Session. The condition of the fund is this: every superannuation fund goes on steadily increasing from the time of the formation of the fund up to a certain period, because there is no drain upon it until the men have served 15 years; then it keeps tolerably stationary for a certain number of years, and then begins gradually to diminish. The condition of the City police superannuation fund has been this: the Act was passed in 1839, and the fund began in 1840. It then amounted to 1,157*l.* and some shillings; it increased until the year 1861, when it had amounted to 29,993*l.*, and then began gradually to decrease, because we were obliged then to draw upon it. The interest of the money was not sufficient to pay the superannuation allowances, and we began to draw upon the capital. With a view to prevent its being all exhausted, last year we got a private Act passed to enable us to do that which we had not power to do before, which was, to charge any deficiency of the superannuation fund upon the rates. All other boroughs and counties throughout England as well as the Metropolitan police had that power, but we had it not. When

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Chairman—continued.

that Act came into operation it was interpreted differently, I think, from what the intention was in applying to have it passed, and we were told that we must exhaust the fund absolutely before we could go upon the rates.

4580. In fact the Act that was passed only placed you in the same position as other superannuation funds under the old Act stand, which is, that before they can make up the deficiency out of the rates they are obliged to exhaust the capital?—Quite so; we shall have to go upon the rates next year. The condition of the fund is this: the estimated value of the stock is 7606*l.*, and the estimated income for next year from all sources, is 2,930*l.* The estimated payment to the number of men who will be entitled to receive pensions is 7,142*l.*, so that at the end of next year certainly the whole of the capital will be exhausted, and then we shall have to go upon the rates to pay 6,000*l.* or 7,000*l.* a year superannuation.

4581. What does a penny rate produce in the City?—A penny rate produces in the City 10,000*l.*, as nearly as possible.

4582. Can you give the amount which your 2½ per cent. deductions produce?—We are in a different position in the City from what they are anywhere else; our men do not pay the 2½ per cent. Whatever pay is voted to them the City adds 2½ per cent. to that, and that is handed over to the superannuation fund, so that our men contribute nothing to the fund.

4583. In short, it is a donation by the City to their pay?—That is so. The amount in 1873 was 1,529*l.*

4584. In this return of Mr. Saunders he places the deductions from pay at 1,119*l.* in 1873, and 1,188*l.* in 1874?—He gives it me for 1873 as 1,529*l.* 0*s.* 2*d.*, and for 1874 1,529*l.* 17*s.* 0*d.*

4585. Those two years are distinctly in advance of the year previously, so I suppose there was an increase to the force?—No, there was an increase to the pay; whatever the increase to the pay is the City adds 2½ per cent. in proportion.

4586. Then you have from other sources, fines for misconduct, deductions for sickness, fines for assaults on the police, and the produce of the sale of cast-off clothing?—That is in accordance with the Act which requires that those items shall be carried to the fund.

4587. You have no other receipts for penalties?—No; the casual receipts are from occasional grants which have been given from some old funds that the Court of Aldermen have under their charge in the City; they are not legitimately applicable to the superannuation fund, but they have been added to help it on a little until we should get the power that we got last year.

4588. That was some Indian fund, was it not?—Yes.

4589. The interest of that was applied to the fund?—The interest only was applied to the fund; it was decided that we could not use the capital of it.

4590. In what way are the sums for penalties, in cases where the police are informers, and from the service of summonses, and the execution of warrants, applied?—They are all paid in to the receiver, and I think they go to swell the amount of the police fund.

4591. But not to the superannuation fund?—No.

4592. Then practically your authorities in the City

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City have determined to place the pension list directly upon the rates in future?—That is to say, to make up the deficiency from the rates; there will always be a certain amount collected from the $2\frac{1}{2}$ per cent. and other sources.

4593. But that goes from one hand of the authorities to the other?—The $2\frac{1}{2}$ per cent. does so entirely.

4594. With the exception of the contributions, and the sick stoppages, and fines for misconduct, and the proceeds of the sales of old clothing, the pensions will fall directly upon the rates?—Yes; but it was stated in our Act last year that in no case were we to exceed the rate of 8 *d.* in the *£.* as the limit up to which we could levy. In the Metropolitan Police District they are able to levy to the extent of 9 *d.*; but our Act has a fixed maximum at 8 *d.* in the *£.*

4595. You think that that maximum would produce a sufficient fund, do you?—At present we only levy a 6 *d.* rate; so that if the whole charge for pensions upon the fund or upon the rates amounted to 10,000 *l.* a year, we should then only require to draw 7 *d.*

4596. There would still be a margin in that amount sufficient to cover the annual pensions that would fall upon the fund?—Yes.

4597. When it reaches its full strain of pensions?—Yes. At this moment we have 145 men upon the pension list who are receiving 7,142 *l.* a year, which is an average of as nearly as possible of 49 *l.* 5 *s.* each a year.

4598. That number of pensioners arises after a period of 33 years?—It does.

4599. So that you have arrived at the point which Dr. Farr indicated as the point at which the strain upon the fund would be felt?—Quite so.

4600. May we take that as the utmost strain likely to come upon the fund?—No; there are a number of men of old service in the force, so that the charge may be somewhat increased rather than diminished during the next two or three years' when all those men are pensioned.

4601. Still the amount will be within the rates which you are empowered to levy?—Certainly.

4602. Under those circumstances do you feel that there is any advantage in having a superannuation fund?—I do not think there is any practical advantage at all if you can draw the amount required from the rates. It was to save the rates that this fund was really established originally; and for a long time the interest of the money accumulated was sufficient to pay all the charges upon the fund, and so to relieve the ratepayers.

4603. Do you think it would have been an advantage to the force if that fund had been able to be maintained?—I think it was of advantage in this way, that the men had an idea that so long as there was a certain sum accumulating as a fund, there would be no doubt about their receiving pensions from it, and that if the fund was exhausted it would become a question whether the ratepayers would or would not pay their pensions, and they might lose them altogether; but I do not think that doubt exists now.

4604. After next year your fund will be in that position that the rates will be directly charged annually for the pensions?—Yes, they will be so for the greater part of them.

4605. Then you would not see any advantage in attempting to set up the superannuation fund again?—No, I see no advantage in that at all.

Chairman—continued.

4606. Upon the question of pensions, would a change in the system of counting service upon changing from one force to another at all affect your force?—We have not had any instance of a man coming directly from another force to our's, except in my own case.

4607. There is no feeling, you think, amongst your force with regard to that?—No, but I may say that I do not think it would ever do to allow a man to resign from one force and carry his service with him to another.

4608. You do not think it would be desirable to extend the present Act which allows upon promotion half the service being counted?—I do not think there is any objection to the provision in the Act as it stands, that is to say, to allow a man to be promoted from one force to another with the consent of both forces. I was, in my previous answer, merely alluding to the possibility of men being allowed to resign from one force, having served a certain number of years in it, and then to take service in another force, and carry their previous service with them.

4609. There has been a suggestion made to the Committee that it was an injustice that the limits in the present Act should remain, and that a man should lose half his time upon promotion?—But, under the terms of the existing Act, a man cannot obtain his superannuation, unless he is medically discharged, until he is 60 years old; consequently, if he joins at 20, he cannot leave until he is 60, unless he breaks down; therefore, when he is discharged, he would be entitled to the same pension if he joined at 40 as if he had joined 20 years earlier; there would be no advantage in carrying his service, unless the man broke down afterwards, before he was 60, and so became entitled to superannuation from physical or mental disability.

4610. It has been stated to the Committee that there is a feeling amongst the men upon the subject to this effect, that occasionally, when a man upon promotion carries half his service with him, and then subsequently claims his pension, he thinks it unfair that he has lost the half of his service?—I think there is some ground for such a feeling. I think that if a man goes with the consent of his chief and for the public good on promotion, he should be allowed to carry the whole of his service with him; it is only a ratepayers' question that one-half of his superannuation should count against one county and half against the other.

4611. You think that each force should share the expense of his superannuation?—I think so; but now, as the Treasury contributes half instead one-fourth to the police expenditure, the ratepayers are not nearly so much affected by it as they were formerly; the Treasury really contributes a great deal to the superannuation fund; if the men contribute $2\frac{1}{2}$ per cent, and the Treasury contribute half the amount of their pay, practically nearly half the superannuation fund comes out of the Consolidated Fund.

4612. What is the average of your enlisting age in the City force?—From 21 to 32.

4613. And if they had a permanent time at which they could claim their pensions, you think the men enlisting at 21 would retire at about 41 or 46?—It would depend upon the time that was fixed.

4614. Supposing the time that has been suggested was fixed, do you think that the men would claim a pension after that time?—I think that after

Chairman—continued.

after 20 years' service a great many of them would be unfit for much hard work; it takes it out of them very much indeed; we find that men at 45, or a little over that, get very shaky indeed; their feet go in walking over the stones so much.

4615. You think that after 20 years' service there would not be any great hardship upon the ratepayers if a man were allowed to claim his pension?—No, I do not think there would be; I think if you got 20 years good work out of a man you cannot expect much more from him.

4616. With regard to pensions on medical certificates, I suppose the great bulk of your pensioners are upon medical certificate?—Every man is pensioned upon medical certificate.

4617. They are not pensioners claiming a pension after 60 years of age?—They have not any right to claim it even at 60 years of age, but, practically, they have all been pensioned before that upon medical certificate.

4618. I wish to ask you with regard to a point which was stated in Dr. Farr's report, namely, that a large number of pensioners, pensioned upon medical certificate, became sound after a short tenure of pensions; is that your experience?—No, it is not; my attention has been called to Dr. Farr's report, and I was rather surprised at his having that impression; it is not my experience at all.

4619. It is not your experience at all that any large proportion of men who have been pensioned have become quite fit for service again after a short time?—No; we have a special method of treating sick men; we have a hospital into which every man who is sick is obliged to go, and he is under the surgeon's observation the whole of the time; so that he pretty well understands whether or not a man is fitted for further work; he would report the case to me before a man was discharged.

4620. I directed your attention to that point because I wished to know whether you thought there was any foundation for what was there stated?—No, I think not. Very few men who are discharged would under any circumstances be fitted for police work again. I think it was Dr. Farr's impression, that men might be returned into the force; I am sure that none of our men who are now pensioned would be fitted for service again.

4621. What you would represent to the Committee is, that in the changes proposed to take place, it would be an advantage to the City if some period of service were fixed for giving a right to claim a pension?—I think so, and I think the men would be satisfied with a lower rate of pension if they had a right to claim it, than what they receive now when they are medically discharged. Further, when a man has done his work well, and is discharged upon medical certificate, I think his rate of superannuation should be higher than that of the man who claims his pension and goes away when he is in sound health.

4622. You would make a distinction between a man who, having arrived at his term of service, claimed his pension, and a man who had not served a fixed length of time, but was incapacitated?—Quite so; one would be able to take other service, and the other would not.

4623. Am I to understand that the rates of pension which at present apply to your force should apply to the fixed period?—No; our men,

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Chairman—continued.

as a rule, when discharged upon medical certificate, get the maximum that they are eligible for. That has been the custom in the City police since its establishment, and I do not think the ratepayers, or the Corporation, would like to increase that amount, or be at higher charges for pensions than are given now. It seems to me it would also be desirable that if any scale were established upon which men should be pensioned, it should be a graduated scale. I think the present Metropolitan scale is a very good one. I find that upon 15 years' service being completed 15-50ths may be given, and an increase of one-fiftieth for every successive year up to 30 years' service. A man would then know exactly what he could claim, and there would be no difficulty or onus thrown upon the Commissioner in deciding whether he should allow the maximum. A man under the present system, having completed 20 years, is eligible on discharge to receive two-thirds of his pay, and another man, who may have served ten years longer, only gets the same rate. There was an instance in which a man was discharged after having served upwards of 19 years. If he had been able to serve about six months longer he would have been eligible for two-thirds of his pay, but he only got half, and another man, who had just served 15 years, got the same. I think that is objectionable.

4624. You would suggest a fixed scale, something like the scale which is at present adopted in the Metropolitan police, giving men the right to claim a pension?—I would give the men a right to claim a pension, and if they were discharged medically, I think it would be a very good scale to adopt, only increasing the proportions. For instance, supposing a man to be allowed to claim so many fiftieths after so many years' service as a matter of right, if he were discharged medically, I would then grant him perhaps so many fortieths instead of so many fiftieths. Supposing a man's pay were 50*l.* a year, he would get 1*l.* for each fiftieth; whereas, if he were granted fortieths, he would get 25*s.* instead of the 1*l.*, and I think the men would be satisfied with some arrangement of that kind.

4625. Is there any other point which you would like to suggest to the Committee?—There is another point which affects myself, and many of the chief constables of counties. I am not upon the same footing, nor are they, with the Commissioners of the Metropolitan Police, who are under the Civil Service Superannuation Act. They are allowed by the Treasury, obtaining their appointments as they do somewhat late in life, to add so many years of service when their pensions come to be calculated. The chief constables of counties and I are almost all in the same position. Entering in middle age, it is impossible to serve as a rule long enough to be eligible for more than a small pension. I think it would not be unreasonable that they should be all put upon the same footing as the Commissioners of the Metropolitan Police, for example, are, and those in other departments of the public service where men are especially appointed irrespective of age.

4626. That is to say, that a ten years' additional service should be allowed to be counted?—Yes, and that they should be put upon the same footing as the men would be if there were any right to claim a pension.

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4627. Would

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Chairman—continued.

4627. Would you charge the pensions upon the superannuation fund?—Yes, I think so.

4628. You are aware that the chief constables' pensions are charged upon the police rate?—That is so, because they do not contribute to the superannuation fund; but the scale of their pensions, when they are paid from the rates, is precisely similar to those of the men, and the terms of service, are identical also.

4629. Do I understand you to suggest that the chief constables in counties, and other heads of forces, should contribute to the superannuation fund, whatever it was, and take their pensions out of it?—No, my suggestion simply went to this: that not coming in as young men, they should be eligible for pension on better terms in the manner I have indicated.

4630. But should they be eligible for pensions charged upon the Consolidated Fund?—That is they should be allowed to count the additional years for pension, having been specially appointed, as they all are. I may mention that, until last year, when our private Act was passed, I was really the only police officer in the United Kingdom for whom there was no provision at all made in respect of pension. The City Police Act had never been amended, and last year provision was made to superannuate me and the clerks in my office; but the period of service was not shortened at all.

Mr. Scourfield.

4631. You mentioned that you had a hospital; is that hospital exclusively appropriated to the use of the City police?—Yes.

4632. Out of what fund was that hospital built?—It was built out of the cash of the City, as the police stations were; we have no power to purchase sites or buildings. The way in which they are built is this: the Corporation purchases the ground, and the police fund pays a certain per-centage for the money, in the shape of rent for the building; we have built five police stations, as well as the police hospital, since I have been Commissioner of the City police, and the money is found in that way; the Corporation purchase the site, or take it upon a long lease, and the rent of the building when erected is paid out of the police fund.

4633. Do you know what the hospital cost?—It was erected in connection with a large station at the same time, and I cannot tell exactly what it cost; I think the two together cost about 17,000*l*.

4634. Do you think that the men are under the impression that the amount they contribute to the superannuation fund is sufficient to secure to them their retiring pensions?—The men do not contribute anything in our force; it is added to their pay, whatever their pay may be, and to every increase of pay the corporation adds 2½ per cent. to that.

Mr. Torr.

4635. What number of men have you in your force?—Seven hundred and eighty is the establishment.

4636. Did I understand you to say, that you would have no age limit at all; that you would grant pensions entirely upon the years of service?—If you give a man a right to claim a pension, I think it should be irrespective of age altogether; of course, there would be an inducement to a young man to serve on, as he would be entitled to an additional pension for every year he served.

Mr. Torr—continued.

4637. You stated that the average pension you are now paying is about 45 *l*. 5*s*. per man?—Yes.

4638. You stated also, that the number of pensioners would be still larger in a few years?—I do not think the number would be larger, but the charge upon the fund would be larger, on account of the number of men of higher rank, and elderly men, who will be discharged in a few years.

4639. You have not yet said what you thought the average pension of a man would be altered to?—I think it would be about 2 *l*. or 3 *l*. a man higher.

4640. That would make it up to about 52 *l*. a man?—About that.

4641. When was your fund at its maximum?—In 1861.

4642. What was it then?—It was within 9 *l*. of 30,000 *l*.

4643. The fund has gradually decreased from that day, has it not?—It has gradually decreased from that time.

4644. Could you tell the Committee the number of pensioners you had upon your fund in 1861?—I do not know that exactly; there were not many then, because, as I said, no man was pensioned or could be pensioned until the force had been in existence 15 years, and as the superannuation fund only began in 1840, it reached its maximum in 1861 because the charges upon it were so small.

4645. A good many of the men who were your early pensioners would be men who were in the force before the fund was founded?—Yes, a number of men at the time the force was established were taken into the police, having been in the former force, which was called the "Old City Watch," which was established, not under any Act of Parliament at all, before the Police Act came into operation. Those men were the first to be superannuated.

4646. They would have been superannuated at an earlier age than the others?—They were obliged to serve their 15 years before they were eligible; they were re-enlisted, so to speak.

Colonel Dyott.

4647. I understand your view with regard to retiring allowances to be this: that you draw a distinction between superannuated men, that is to say, men discharged upon medical certificates, and men whom you would call pensioners, who take their discharge by reason of length of service, having the right to claim their retirement after a certain number of years' service?—I do. I think a man who claims his pension as a right after a length of service should hardly be placed upon the same footing as a man who breaks down in his work.

4648. Still you would recognise the desirability of a man having a claim to his pension after a certain number of years' service?—I would.

4649. A man being superannuated upon a medical certificate would get his retirement as he gets it now?—Quite so.

4650. Seeing that you now get nothing from the pay of the men, how is your fund raised?—It is raised from these sources: fines in cases where the police are informers, and stoppages for sickness and misconduct, just as other funds are, with the only difference that instead of 2½ per cent. being deducted from the men's pay, it is contributed from another source.

4651. You

Lieutenant Colonel DOUGLAS WILLIAM LABALMONDIERE, called in; and Examined.

Chairman.

4651. YOU are one of the Commissioners of Police for the Metropolitan Force?—I am Assistant Commissioner.

4652. As such you are thoroughly acquainted with the superannuation history of that force?—I am.

4653. The fund was established, was it not, under the 2 & 3 Vict. c. 47?—It was.

4654. That was in the year 1839?—Yes. I think I can give the history of the fund to the Committee, if it is desired. It was established in September 1839, under 2 & 3 Vict. c. 47; previous to that date no superannuation fund existed. The 22nd section provides that there shall be deducted from the pay of every constable in the metropolitan police force, a sum not greater than 2*l.* 10*s.* per cent., which sum, and the moneys arising from sick stoppages, fines imposed upon constables, and any portion of the fines imposed by magistrates upon drunken persons, or for assaults upon police, directed to be paid to the receiver for the benefit of this fund, and all moneys arising from the sale of old police clothing, are to be invested and form the Police Superannuation Fund.

4655. Under that 22nd section is the mode of deducting pay different from that adopted in the City?—It is a real deduction from the pay at the rate of 2½ per cent. for the superior officers, and 2 per cent. for the inferior officers.

4656. Two per cent. is deducted from the lower ranks?—Yes, from the sergeants and constables. In September 1839, the Secretary of State authorised the following deductions to be made from the pay of each officer in their respective ranks: superintendents 1*s.* 8*d.* per week, inspectors 10*d.*, sergeants 5*d.*, and constables 4*d.* By the 23rd section the Secretary of State is authorised to grant pensions to constables who have served with diligence and fidelity, and are certified to be unfit for further service, according to the following scale: for 15 and less than 20 years' service an annual sum not exceeding half-pay; for 20 years or upwards an annual sum not exceeding two-thirds of the pay; for injuries received by any constable in the execution of his duty, an allowance not exceeding the whole of his pay. Although the fund was not established until 1839, the former service of constables who joined since 1829 was allowed to reckon towards pensions, although the deductions from their pay did not commence until September 1839. In March 1845 the Secretary of State decided that in future a deduction of 2*l.* 10*s.* per cent. should be made from the superior officers of the force receiving an annual salary, namely, the inspecting superintendents and inspectors receiving salaries beyond the ordinary pay; while from the subordinate grades the stoppages were to approach as near as possible 2 per cent., and to be as follows: inspectors, 4*s.* per month; detective sergeants, 3*s.* 6*d.*; sergeants, 2*s.*; first-class constables, 1*s.* 8*d.*; second-class constables, 1*s.* 6*d.*; and third-class constables, 1*s.* 4*d.* In July 1845 the Secretary of State made a regulation that the highest rate of pension should be paid only to those men who were entitled from good conduct, and a less amount to those men against whom there had been several reports.

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Chairman—continued.

4657. Those were called first and second class pensions, I believe?—Yes; and that provision exists still. On the 13th of October 1849 the Secretary of State directed that the pension after 20 years' service, namely, two-thirds of the pay, should be subject to the following regulation: that the increase above the pension for 15 years' service should be divided into five equal parts, one of which is added to the pension for 15 years' service, if the constable resigns after completing 20 years' service, and another fifth part for each successive year's service; so that the pension of two-thirds of the pay is not allowed until 24 years' service are completed. On the 17th of September 1862 the Secretary of State authorised the following scale of pensions, as shown in the Police Orders of that date; (that was upon Dr. Farr's recommendation.)

4658. That was upon the Report of the Committee of 1862, was it not?—It was. Dr. Farr recommended that the pensions should be limited to five years, and subject to renewal upon the recommendation of the Commissioners, and that they should be reduced from thirtieths upon which they were calculated upon the old scale, to fiftieths. In 1873 the present scale was adopted.

4659. The same deductions were continued throughout, I believe?—The same deductions were continued.

4660. Will you state to the Committee what the present scale is?—The police orders authorising the revised scale, state as follows: "After 15 years' service completed, pensions may be granted of 15-50ths of the pay, and for each year of service completed up to 20 years, an additional fiftieth of the pay. From 20 to 25 years completed, two-fiftieths for each year, and from 25 years, one-fiftieth for each year to 28 years completed, when the pension will be two-thirds of the pay, being the limit fixed by Act of Parliament."

4661. And the limitation of the duration of the pensions is done away with, is it not?—The limit in regard to temporary pensions is done away with; all such pensions are to be for life. Then was authorised also a scale of pensions for injuries received under 15 years' service.

4662. Are those in the form of gratuities or of pensions?—They are in the form of pensions.

4663. Will you give the Committee the particulars of that scale?—For accidental injuries, not incurred through carelessness, partially incapacitating, during five years' service and under, 10-50ths of salary; 10 years' service and under, 12-50ths; 15 years and under, 15-50ths. For accidental injuries wholly incapacitating, during 10 years' service and under, 15-50ths of salary; during 15 years' service and under, 20-50ths of salary. For injuries received in the execution of duty partially incapacitating during 10 years' service and under, 20-50ths of salary; 15 years' service and under, 25-50ths of salary. Injuries received in the execution of duty wholly incapacitating, to be specially considered, but pension in no case to exceed full pay. In all cases the pensions to be subject to revision, at the expiration of such period of time as may be named in the letter of recommendation to the Secretary of State."

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4664. That

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Chairman—continued.

4664. That seems to retain a revision of the pensions?—Yes; but it is not generally acted upon, excepting in cases where the chief surgeon thinks that within a certain limited period a man may be able to resume his duty.

4665. In granting a pension that condition is made, if the surgeon certifies that he thinks it ought to be revised?—The surgeon places upon his certificate "to be examined again at the expiration of 12 months," or a note to that effect; but those cases are the exception.

4666. Then there are the gratuities; upon what scale are they granted?—The Police Orders say: "Gratuities of one month's pay for each year of service will be granted as heretofore after five years' service and less than 15"; that provision has always existed. "No pension or gratuity to be granted to any police officer, except on the certificate of the chief surgeon that he is incapacitated by infirmity, accompanied by the certificate of the Commissioners that he has served with zeal and fidelity."

4667. That is the scale at present in effect in the force?—It is.

4668. Are you aware of the feelings of the force with regard to that scale?—I think they are fairly satisfied with it; but the general feeling of the force is, that there ought to be a limit of service after which a man might be entitled to claim his pension.

4669. That is, that the men feel also that the uncertainty which at present exists should be changed into a fixed period at which a pension might be claimed?—That is so.

4670. Can you state from your knowledge what the feeling of the force is with regard to the time at which that fixed period should begin?—I have heard them fix either 21 years or 25 years.

4671. From your own view do you consider such a change would be for the advantage or otherwise of the force?—I think if the time were fixed at 25 years it would be for the advantage of the force.

4672. Do you think if the time was fixed at 25 years when a man could claim a pension as a right, it would add to the efficiency of the force?—Yes.

4673. What condition would you attach to that claim for pension?—I think if a man claimed his discharge at the end of 25 years, without being incapacitated for further service, he should be subject to a deduction of five years' service, that is to say, he should be pensioned as if he had served 20 years.

4674. That he should be pensioned upon the scale attaching to 20 years' service?—Yes.

4675. That would be 20-50ths?—Yes.

4676. And that, you would suggest, there should be a right upon the part of the men to demand?—Quite so.

4677. Would you leave the other scale of pensions in existence?—I would.

4678. As they stand at present?—Yes, as they stand at present; I think that is a very fair scale.

4679. The only addition you would make would be giving a man the option of claiming after that period of service, a fixed pension at that rate?—That is so.

4680. Do you think that would add to the efficiency of the force?—I think it would induce men to remain until they had served their 25

Chairman—continued.

years, when they might claim their pension, and still retire as a matter of right.

4681. You think you would keep men longer in the force under such an arrangement?—I think so; at present there are, I may say, not above 120 men serving out of our 10,000 who have more than 25 years' service.

4682. Can you give the Committee the condition of your superannuation fund?—It is a myth; it does not exist; in fact, it is really absurd to separate the accounts any longer.

4683. At present the stoppages for sickness and misconduct, the earnings of the police, the fines imposed by magistrates upon drunken persons, and in fact all contributions carried to the fund, amounted in 1873 to 33,753 l.?—The credit for the last year amounted to 32,000 l., and the balance of 82,000 l. was made up by transfers from the police fund.

4684. Last year the drain for pensions amounted to above 80,000 l. over the receipts for the year?—That is so.

4685. There has been, I presume, a steady diminution of the capital until it has arrived at that condition?—I think the fund was exhausted in 1856.

4686. That is the time mentioned in Dr. Farr's report, in which he gives the whole history of the fund, showing the way in which it had risen gradually up to its maximum, and then as the pensions came upon it, it began to diminish until at last the capital was exhausted?—That was so; that was what led to Dr. Farr's being engaged.

4687. At present the superannuation fund of the metropolitan police is a direct charge upon the police fund?—There is no doubt about that. If the receipts, instead of being carried to the credit of the superannuation fund, were carried to the credit of the police fund, it would be exactly the same thing.

4688. Do you think there is any advantage in continuing the deductions from the men's pay?—I should not be disposed to discontinue the deduction until a necessity arose for an increase of pay to the force.

4689. In fact, it is a question of pay?—It is at present; you give it with one hand and take it away with the other.

4690. The simpler form would be to give it in the form of a charge upon the rates?—Quite so; I should not be disposed to part with the deductions from pay at present, but when the time came to deal with the question of the wages of the police, I should part with it then.

4691. The power of charging the deficiency upon the rates was given by a subsequent Act, was it not?—By 20 & 21 Vict. c. 64, s. 15.

4692. You have power also to grant gratuities to the widows of constables killed in the service, have you not?—Yes, by 24 & 25 Vict. c. 124, s. 6, pensions are authorised to be granted to the widows of constables killed in the execution of their duty, and compassionate allowances to the children of such constables.

4693. Therefore, in the metropolitan police force, there is no cause for that complaint, which it has been stated exists in other forces, that the children were left out in cases where there were no widows?—No; the rate authorised by the Secretary of State is, to superintendents' widows 30 l., to inspectors' widows 25 l., and to a police constable's widow 15 l.; to the children of a superintendent 5 l., to the children of an inspector 5 l., and

Chairman—continued.

and to the children of a police constable 2*l.* 10*s.* per annum, until they reach the age of 15.

4694. Does there exist in the metropolitan police force any means of meeting the case which has been placed before the Committee, where a constable being pensioned on incapacity from ill-health, and dying within a few months of his being so pensioned, the allowance ceases. It has been suggested that a continuation of such pension should be made to his widow, if alive, or, in the event of there being no widow, to some of his children?—In the metropolitan police they are paid their pensions in advance.

4695. Does that mean that they are in receipt of pension for one year in advance?—No, they are paid in advance quarterly, so that at whatever period of the quarter a constable dies he has already received his pension for that quarter.

4696. And you do not suggest any alteration with regard to that?—I have known exceptional instances in which a man's pension has appeared in the orders, and he has died before receiving it, in which case the pension has been retracted and the man has been buried at the expense of the police fund, and the contribution which is made voluntarily by the metropolitan police (it is not a matter with which the commissioners interfere at all, but there is such a contribution) has been given to his widow.

4697. Is that a similar fund to that to which a good many forces contribute throughout the country?—Yes.

4698. Have the metropolitan police force a fund of their own of that sort?—Yes, in the lower ranks it is universal; in the higher ranks it is optional.

4699. Is there anything that you would wish to state to the Committee with regard to men carrying their service on promotion or change of service?—No, excepting that I think that if a man (it rarely happens to us, but it may happen from us) be promoted from our force into a county or borough force, for the general good of the service he should carry his service with him.

4700. You would let him carry his full service with him?—I think he ought to be allowed to do so.

4701. You think that it being a matter of arrangement between the force he leaves and the force that wishes to get his services, the man should not be deprived of the years of service he has given to the public in the first force?—I think so; it would not affect us except in the case of a man going from us.

4702. Is there any other point in regard to that question which you would like to submit to the Committee?—Except that it may be urged upon the Committee that the men feel a certain amount of uncertainty with regard to their pensions, and they fear the loss of them from being dismissed for misconduct, and I think that it is a very exaggerated feeling. No person has a greater interest in retaining a man in the service, if he is any good, than the Commissioner of Police. I think the disposition is always to be lenient with the men who are approaching their term of pension rather than to throw them out upon the world if they misconduct themselves.

4703. Seeing that the punishment takes place at once for an offence, either by lowering the rank of the man, or by fine, the men consider that it should not be brought up again afterwards?—

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Chairman—continued.

But what I mean is, that the men feel a certain anxiety as the time approaches at which they may claim a pension lest they lose it, which rather disposes them, after they have arrived at 15 years' service, which is the time when a pension may be granted, to get away upon it and not run the risk of forfeiting that pension by future misconduct; a man may be convicted by a magistrate, which entails dismissal with us, but I think there are no cases whatever in which a policeman has been convicted by a magistrate, say, for an assault, in which the Secretary of State is not applied to if there are any grounds from the man's previous good conduct, or length of service, for permission to retain him in the service; a man would not suffer that injury except for the strongest reasons.

4704. You would not suggest any alteration therefore of the present system with regard to that?—I would not.

4705. With regard to the scale of pay being according to a man's rank, would you consider he should have served a particular time in the rank in which he is before he could claim a pension on that particular rank?—The practice now pursued is a very good one, that is to say, calculating his pay upon the three years preceding his being pensioned.

4706. That he must have served three years in any rank before he can take the pay calculated upon that rank?—No, it must be calculated upon the last three years; supposing a man is promoted from inspector to be superintendent, and is pensioned one year after his advancement, his pension would be calculated upon his last three years' pay.

4707. Do you think that is a better system than taking the average; that is to say, supposing a man has been 20 years in the service, and has just been promoted for one year in a higher rank, pensioning him upon the average of those 20 years?—I think that is the fairest way which I am suggesting.

4708. There has been a suggestion also made that a man might be permitted to claim a pension upon the pay of a particular rank, but that he must have served a certain time before he could claim it, otherwise, if he had been only one year in the rank he held at the time of his retirement, he should be pensioned upon the rank that he had come up from; what would be your view of that suggestion?—I think it would be fairer that he should be allowed the benefit of the rise for that one year.

Mr. Scourfield.

4709. What is the number of your metropolitan force?—The number is about 10,000; that includes the dockyards that we have under our charge in various parts of the kingdom.

4710. Do you think there is an impression upon the mind of the police that the amount of the superannuation fund is sufficient to secure to them these pensions?—No, I do not think so. They are too intelligent for that.

Mr. Grantham.

4711. With regard to the fear the men have of being dismissed, I presume, unless the Commissioner applies to have them reinstated in the force, they would be dismissed the service upon their conviction?—The Commissioner must apply to the Secretary of State. The invariable practice is, instead of dismissing a man upon his conviction,

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Mr. Grantham—continued.

viction, if the Commissioner thinks there are any grounds for going to the Secretary of State, he suspends the man, and makes the application.

4712. Do I understand you to say that the Commissioner dismisses the man, and then makes the application?—The suspension means suspension from duty, and it is pending the decision of the Secretary of State as to his retention that the man is so suspended.

4713. And after the Secretary of State has consented to the man being so reinstated, does he then become entitled to the pay which he did not receive while awaiting the decision of the Secretary of State?—No, he does not. He generally, although not invariably, I think, loses the whole of that pay. It would be according to the nature of the conviction; the Commissioner would decide how much of that pay he should forfeit.

4714. With regard to the funeral fund that you were speaking of, I did not gather from you whether your force joined the county forces in that contribution, or whether they have a fund entirely confined to themselves?—It is entirely confined to themselves, it is not a funeral fund; the funeral is paid for by the police fund, but any contribution the comrades may make goes to the widow or children.

4715. I understood you to say that the higher ranks do not contribute?—They are not obliged to contribute.

4716. A man may contribute, but if he does not he does not get anything?—That is so.

4717. What is the principle of the contribution?—They give a stated sum.

Mr. Cartwright.

4718. What is the pay of a man when he first enters the metropolitan force?—Twenty-four shillings.

Mr. Torr.

4719. What number of pensioners have you?—Two thousand eight hundred and ten, I think it is.

4720. Is that the maximum number that you have had?—I cannot state positively that it is, but I should think so; and I should think the number would always go on increasing, because there is never any year in which we are not obliged to increase the number of our force. The average pension is about 39*l.*; in the City I think it is 49*l.*

4721. Do you know what rate is levied for your police?—The parishes pay 4½*d.* in the pound.

4722. Do you know what the amount produced by the 4½*d.* rate is?—£. 416,408*l.*; that is to say, a penny would produce about 93,000*l.*

4723. Do you know when your superannuation reached its maximum, and what amount it reached?—No; that was before I joined, I think;

Mr. Torr—continued.

I think that Dr. Farr gives the whole history of it in his report.

Colonel Dyott.

4724. You stated that you thought it would work well if men, on promotion, being removed from one force to another were allowed to carry their whole service with them; do you think the force to which a man goes would be satisfied with that arrangement?—I do not think they should be burdened with the whole of it; there should be a *pro rata* contribution from the other force to which the man had paid a certain amount of contribution. When I was first appointed to the metropolitan police, I was appointed as what was called inspecting superintendent, and paid, like other policemen, my own 2½ per cent.; and on being appointed as Assistant Commissioner, I represented it to the then Home Secretary, and my service was allowed to count, and my contributions were transferred to the Treasury.

4725. Then you did not leave the money behind you in the funds of the force which you left?—No, the contribution went with me.

4726. Then no injury ensued to the fund of the force that you went to?—No; because when my time comes to be superannuated I shall be paid from the Consolidated Fund.

4727. You recommend that the number of years service should be transferred with the man; would you recommend that the payment he has made to the force from which he goes should also be transferred with him?—Yes.

Mr. Grantham.

4728. Should the money only which he has contributed be transferred, apart from the other receipts to which they have become entitled through him?—I think that is a matter for an actuary, because the former force has had all the youth of the man.

Chairman.

4729. I believe you have prepared a return, which you would wish to lay before the Committee?—With reference to my reply to Question 4702, stating that I thought there were no good ground for the alleged apprehension of the men that they might forfeit their claim to pensions by dismissal for misconduct, after having served the qualifying time, I have here a return, showing the number of constables who have been dismissed for misconduct since 1862; it gives the respective numbers dismissed under five years' service, from five to 10 years, from 10 to 15 years, and from 15 years' service upwards; and it shows that the proportion of men who had been entitled to pensions and were dismissed during those 13 years, was only 59, one in 2,000 of the strength, the average strength for those years having been 8,538. (*The same was handed in, vide Appendix.*)

Superintendent JAMES MOTT, called in; and Examined.

Chairman.

Supt. Mott.

4730. You are a Superintendent of the Metropolitan Police Force?—I am.

4731. As such, you are able to speak to the feelings of the force with regard to this superannuation question?—I have consulted with the whole of the superintendents upon this matter.

Chairman—continued.

4732. Can you tell the Committee what the feeling is with regard to the present scale of pensions in the metropolitan police force?—I can. I have also received letters from some of them which I should like to read.

4733. Will you first tell the Committee what the

Chairman—continued.

the feeling of the force is with regard to this question?—I have put in writing what my own feeling is, and I believe that is the feeling of my comrades in general; all ranks to be entitled to half pay at 15 years' service, if unfit for further service.

4734. That would be on medical certificate, would it not?—Yes. After 15 years the amount of pension to increase yearly up to 21 years and then to be two-thirds of the pay. All ranks serving after 21 years to be entitled to an increase of pension yearly up to 35 years' service, and then to retire upon full pay, supposing they were so disposed; and at 21 years' service a police officer to claim his pension as a right.

4735. That is when you fix the scale at two-thirds?—Yes; it was two-thirds at 20 years' service, until a revision was made some years ago. I further suggest that it should be secured to him for life unless he be convicted of felony after being pensioned.

4736. There are certain conditions attaching to pensions upon the present system, of which a conviction for an indictable offence is one?—It is.

4737. There are other conditions attached; would you suggest that those should be continued, or would you limit it to conviction for an indictable offence?—I have suggested felony; but I believe that the men would be perfectly satisfied with a continuance of pensions upon the conditions on which they are now granted.

4738. There are conditions with regard to association with thieves and other matters?—They are stated upon the printed form of application. Then I say, after 21 years' service, a police officer being dismissed or required to resign for any misconduct against police regulations, ought not to forfeit his pension.

4739. After 21 years' service, when he is entitled to claim a pension as a right, under your suggestion, if he continues up to 25 years or any part of the time, you say he should not be discharged without a pension?—Yes, unless he has been guilty of some offence against the conditions upon which pensions are now granted.

4740. Do I understand you to say that after 21 years, when a man might have been entitled to take two-thirds, if the rule was laid down as you suggest, it should not be competent to deprive him of his pension calculated upon the 21 years, or should that man calculate his pension up to the time of his retirement?—It should be calculated upon the whole pension which he would then be entitled to if he retired.

4741. Do you see, as an officer having a certain amount of responsibility in the force, no objection in the way of discipline, arising from such a regulation as that?—I do not, but I have another suggestion in my paper. I say, for the benefit of the police service, all ranks should be pensioned at 21 years; then allow them to serve on so long as conduct and health are satisfactory to the Commissioner. A man leaving from any cause, after being pensioned as above, short of conviction for felony, or a breach of the conditions on which they are now granted, should not lose his pension, that is to say, that secured to him at 21 years, and that which he may be entitled to by service after 21 years. I may mention that as regards the number of pensioners that we have upon the list, which is very large now, men are pensioned no doubt long before they are worn out. They have to be cer-

0.94.

Chairman—continued.

tified to be worn out and unfit for further service, but there is a constant fear in the minds of the men in the service that something may happen. I can say it is my own case, and I should say it is the case of the whole of the superintendents. If we had something secured to us we should work on and on, and you would have the number of pensioners considerably diminished; the men would like the pension to count with their pay, so that if I were pensioned but still in the force, I should get nothing by the pay except securing the pension, and having the difference made up if it were one common fund, so as to make my pension come up to my pay.

4742. I can understand your position with regard to the right to claim a pension at 21 years' service, because a man might have retired at the 21 years and taken that pension; therefore it may be held to be unjust to deprive him of what he might, in the exercise of his discretion, have taken when he was still a man with good conduct in the service; but I fail to see how discipline could be maintained in the force if you said a man should claim a pension for the years of service after 21, rising to full pay at 35 years' service, even if he should thereafter commit some grievous error, rendering his dismissal absolutely necessary?—I do not think you would find a man who had been from 20 to 30 years in the service, at all likely to commence to set discipline at defiance.

4743. I quite see that the question of misconduct would hardly arise, therefore I do not see the use of the protection?—There is always an uncertainty; there may be no ground for the uncertainty, but at the same time we know our Commissioners for to-day, but we do not know our Commissioners for to-morrow, and we have great anxiety and desire to have our pensions secured. If that had been done, I know that there are many men upon the pension list now who would have been in the police force still.

4744. But, as I understand, the pension list is made up of men who are there on medical certificate?—That is a fact, but they very soon recover.

4745. Do you say that those medical certificates do not, to your knowledge, represent the condition of the men?—It is a curious thing that men before leaving are frequently very ill; you meet them a few months afterwards, and you find them perfectly restored to health and engaged in employments in which their hours of duty are more than they were in the police; in fact they work harder after they leave the police than they did when they were in it; they are eagerly sought after by persons in London and other places, and perform work quite as laborious, but not involving the same mental anxiety.

4746. You think that there are men upon the list of pensioners who might, if they had so chosen, have been now efficient members of the force?—I believe there are, but I believe the mental anxiety contributes more than any other cause to send men out of the service.

4747. You think that the mental strain is sufficient of itself to induce the illness which sends men out of the service?—I do.

4748. And that when that is taken away the man recovers?—Yes; inspectors at stations are often called upon to decide cases at once which take learned gentlemen many days to decide, and that

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wears them very much; the responsibility is very considerable.

4749. The anxiety, you think, would be relieved by what you suggest?—I think it would.

4750. Could you state whether the feelings that you have expressed are shared by other members of the force?—I can.

4751. Can you give any information from any letters that you have received?—I have received a letter from Superintendent Brannan, of the L Division, and others.

4752. You know these to be letters from the men themselves?—I do; I wrote them to ask if they had any suggestion to make.

4753. Will you read the letter you refer to?—“I beg to suggest that a fixed term of years, say 15 for half-pay, and 21 for the maximum two-thirds, at which time a man should be able by right to claim his pension, without the formality of going sick and being returned unfit by surgeon. The present system is very unsatisfactory, there being an uncertainty, and the pensions, as now granted, being more of a compassionate allowance than a pension for which men have been paying years to attain. If the men were to join under more definite conditions, that is to say, with the prospect of a pension after serving a fixed term of years, it would be beneficial to the service, as they would remain longer in it, and there would not be so many changes. If, on the attainment of a fixed number of years, men chose to continue in the service, I think it ought to be with an understanding that their pension would be safe under any circumstances; and it should not be withheld unless the recipient be convicted of an indictable crime. Under the present system, no one feels safe (let his service be what it may) that he will ever receive a pension until he is actually out of the service, and then it hangs by a thread as it were.” I have also a letter from Superintendent Draper, of the D Division: “In answer to your note of 7th instant, relative to police superannuation, I have to state that, so far as I know, the change in the system desired is that some limit as to the time when a pension could be claimed should be named. It is a well-known fact that the fear of losing everything by way of superannuation induces men to use all means in their power to get out of the service, and thus secure themselves against the chances (and they are many) of being sent away in their old age, and when they are fit for little else, without remuneration for their services, and for the money they have subscribed to the funds. I have no doubt that were something secured to the men after a certain number of years in the service, in the event of their being complained of and called upon to retire, the surgeons would have less difficulty in deciding who was or was not fit for the service as all would stay as long as they could.” The next is a memorandum from Superintendent Eccles, of the X Division, and he makes the following suggestions: “A man to become entitled to pension of half-pay on completion of 15 years’ service, and to increase by 1-60th of pay each year up to 21 years’ service, during which years, pensions only to be granted upon the certificate of chief surgeon, of incapacity. At 21 years’ service completed, men to be entitled to a pension on submitting their notice of resignation, without certificate of chief surgeon, but should any man wish to remain in the service after that time, he should make an appli-

Chairman—continued.

cation to that effect, and should the Commissioner (upon the recommendation of the man’s superior officers) approve of it, he should receive an increased pension of 1-60th of pay per year up to 25 years, and then 2-60ths of pay per year as long as he remains in the service; but in no case is the pension to exceed full pay. After 21 years’ service completed, it should not be in the power of anyone to deprive a man remaining in the service of his pension, unless upon conviction of felony; but the Commissioner may, after such service, at any time call upon a man to resign on a 21 years’ pension for serious misconduct. If, at any time, a man who has been allowed to remain after completing 21 years’ service, should, in the opinion of the Commissioner, become incapacitated mentally, or otherwise, from the performance of his duty, he may be called on to resign (on the certificate of chief surgeon), receiving the increased amount of pension that his service entitles him to.”

4754. I understand that superintendent to differ slightly from you, inasmuch as he says, that upon dismissal afterwards, the pension should be upon the 21 years which he would previously have had a right to claim?—Yes. Then this is Superintendent Eccles’s letter which accompanied that memorandum: “In reply to yours on the question of superannuation, I have consulted my inspectors and senior members of the division, and enclose you the result of the consultation. The great point sought to be attained is that a man should be entitled to claim his pension at any time after a given number of years without depending on the certificate of the chief surgeon; but at the same time, that an experienced man may be allowed to remain in the service, if willing and capable, with the result of receiving an increased pension for every year he remains, without the present dread that if he do so something may occur to deprive him of both situation and pension, as under the present scheme nothing save a conviction for felony can prevent a man getting a 21 years’ pension after he has served that time; but it empowers the Commissioners to deprive him of his increased pension for any serious case of misconduct. By the scale suggested a man becomes entitled to half-pay at 15 years, two-thirds at 21 years, full pay at 35 years. Should this be carried it will induce a better class of men to join the service, and will also have the advantage of retaining our best and most experienced men, which you and I know now leave the service as soon as they become entitled to their pension, through dread of losing it if they remain.” The next is a letter from Superintendent Green, of the N Division; he says: “I think one and the principal thing requisite in our pension regulations, is that, a man should be able to claim his pension at a certain time (say 21 years), and that not at a reduced scale. It would (after all) be only an act of grace, to allow police to claim a pension at the end of 21 years; for I question whether the services of those pensioned average that length of time, as I find in my annual report for 1873 I said: ‘The average length of service of the police who have been pensioned from this division during the past nine years, is 20 years seven weeks each man.’ With the exception of the A Division, I should think that this would be about the average of the whole service. What frightens many men away, *i. e.*, after some length of

Chairman—continued.

of service, is the fear that they should be reported, or complained of, for some offence, omission, or oversight, whereby they might be either reduced, dismissed, or called upon to resign; this feeling is, and always has been, very strong amongst all ranks, and particularly amongst the inspectors, who are continually called upon to decide important matters, frequently where the law is doubtful, &c. I have nothing else to add; all details are so well known to you, and I am perfectly satisfied the metropolitan police are well represented by Messrs. Mott, Gernon and Worels." He is referring to the three superintendents, myself being one, whom Colonel Labalmondiere spoke to upon the subject.

4755. Are those all the letters that you have had upon the subject?—No, I have others.

4756. Are they to the same effect?—Yes, they vary a little in details, but they are all to the same effect in principle, namely, the security of the pensions.

4757. Do they generally adopt the figure you have given the Committee, or do they adopt the figure in the last letter you have read, of 21 years?—Some of them say a period between 21 and 24 years.

4758. For the first period when they should be entitled to claim?—That is so.

4759. So that the scale that you have suggested from 15 to 21 years does not meet with universal favour?—The 15 years would be for half-pay; but with regard to claiming at 21 years, there is a difference of opinion; they do not like to ask too much.

4760. I understood the last letter to suggest that 21 years should be the first period at which a direct right to claim a pension should arise?—That is so.

4761. You also suggest that 21 years should be the first period at which the claim should arise?—I think so.

4762. And that that period should entitle a man to receive a pension?—Yes.

4763. Do you think the men contributing to the fund, as they do, a certain rate of pay, feel aggrieved on that account, that they have not a certain right to a pension?—I do not think they say that because I pay I have a right; because we all know that the amount we pay is nothing equal to the superannuation.

4764. They do not look upon what they contribute as justifying an absolute claim to a pension?—No, they do not; but they do think that whatever is given should not be given as a compassionate allowance, as it is now.

4765. But that having given the State good service, they should be able to say, "We are entitled to a pension"?—Quite so.

4766. Do the men change very much in the metropolitan force?—Yes, they are constantly changing.

4767. Do the changes arise principally among the men who have recently come into the force,

Chairman—continued.

or do they arise in different years of service?—I can hardly speak to that; all the men who enter the force are posted by me to their divisions, so that I can only tell you the number weekly that I have to post.

4768. You cannot speak to the length of service at which men leave the force?—No, I cannot; but I believe a very large number of them do not stay long.

4769. You believe that that is the general history of the force, that they are men of short service?—Yes.

4770. That when a man has once got over the first enlistment, he generally stays?—He is hardly fit for anything else.

4771. And you say the uncertainty has another effect upon the men; namely, that it induces them to endeavour to leave upon a sick certificate, at the very earliest period that they can?—Yes; I think the number upon the list will show that.

4772. At one time, I think it was in 1845 or 1849, there was a system adopted by which short service pensions, on a medical certificate, were granted for a period of years, and then revised?—The men were pensioned, subject to re-examination.

4773. That has been done away with, I believe?—It has.

4774. Was not that a practical way of meeting the difficulty which you have suggested, which is, that men leave the force when they might continue in it?—I think the men would have fallen into exactly the same state if they had come back and resumed their duties.

4775. What the Committee are to understand is that the anxiety which you say affects them, would return as soon as they came back; that it has a real effect upon them?—I think so.

4776. And that it is not, what has been often talked about, under the name of malingering?—There may be some malingerers found amongst them, but I think they are mostly really ill when they leave us.

4777. That anxiety which you have referred to, arising from uncertainty as to their prospects, and the nature of their work?—I do not think the public can understand the anxiety of police officers. As a constable, a man's responsibilities are considerable; as inspector, when he has to take the charges at the stations, there is a great deal of anxiety; and as superintendent, although he does not have the same particular anxiety, having several stations to control, yet he has an immense amount of anxiety and responsibility.

4778. Are there any other points which you would suggest to the Committee upon this matter?—I think I have stated them all. I only wish to say that I have been nearly for 27 years in the service, so that I have no interest in proposing 21 years or 25 years as the period at which a man should be able to claim a pension.

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Inspector GEORGE TURNER, called in; and Examined.

Chairman.

4779. I THINK you are Chief Inspector of the Metropolitan Police Force?—I am.

4780. You have heard the evidence of the previous witnesses; can you also speak for the 0.94.

Chairman—continued.

ranks of the force, with regard to the superannuation question?—I have consulted with all those that I could speak to, and I find that it is the desire of all that at 15 years' service they should

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Turner.*

Inspector
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Chairman—continued.

should be entitled to one-half of their pay; that that pension should increase annually until 24 years' service, when it should reach the maximum of two-thirds of their pay; that at 21 years' service they, whether ill or well, should be entitled to claim the pension due at 21 years' service, but that if they desired to stay on longer, they should be allowed to do so, to earn the full pension, which is two-thirds of their pay. The men also desire that the pension attaching to that 21 years' service should be secured to them, should they stay on, and not be taken away except for some offence for which a pension may be taken away. The anxiety of the inspectors, I know, when they have completed a number of years, is very great, for fear that through some error of judgment, some false witness, some enemy, some prisoner with whom they may have to deal, some case may be trumped up against them, or that they may err in the execution of their duty, and lose their pension. A brother inspector of mine, who is now pensioned, was so anxious that I believe it made him unfit for service; it is my opinion that it was the anxiety only that upset him.

4781. At what period was he pensioned?—After 20 years' service.

4781. That was upon medical certificate, was it not?—It was.

4783. He got 20-50th according to the present scale, did he not?—No, it was upon the old scale of pensions?—I have known him so anxious that he has got up in the middle of the night and come round to the station for fear he had omitted something; and I was rather glad when he left, for he was considered inefficient through over-anxiety. The work of the station where I am, and where he was, is very heavy; from the time we commence to the time we leave it is one drive; the pressure is so much that we can scarcely get through the work in the time, and sometimes we are there after hours to complete what we have begun. That affects the mind and strains the mental powers.

4784. You think that it is unfair that a man who is placed in that position of anxiety should run the risk of losing his pension after he has completed that certain term of service?—Yes.

4785. Do you think that the anxiety is increased by that uncertainty?—I do.

4786. Do you believe if the uncertainty were removed, and a scale such as you have suggested were adopted, giving a claim after a fixed period, that the men would be more fitted to carry out their duties?—A great number would be able to stay on and continue their service, and be fit to do so.

4787. I understand you to suggest that having a right to claim after 21 years' service, should a man continue in the force, and be subsequently dismissed for any minor offence, not being an indictable offence, he should be then enabled to retain that 21 years' pension?—That is what is desired by the members of the force.

4788. You do not say that he should claim any pension for the years after 21 that he had served if he was discharged for misconduct?—No.

4789. But only that he should take his pension which he might have taken at 21 years?—Quite so; unless that was secured, nearly all the men would leave when they became entitled to a pension at 21 years' service.

Chairman—continued.

4790. They would not run the risk of having a charge trumped up against them?—No, they would not. I have known a man sent to prison and discharged from it afterwards upon inquiry being made, it being found that the charge was a false one.

4791. Would you suggest any change in the existing pension scale for periods before that, 15 years being reckoned as 15-50ths?—I would suggest that the minimum should be half-pay at 15 years' service.

4792. That half-pay at 15 years' service being granted only upon medical certificate?—Quite so.

4793. From your knowledge of the medical history of the force, do you think there is any number of men who obtained their sick certificate without being really incapacitated?—I have suspected a few.

4794. Who are at present able to go and work in other directions whilst receiving a pension?—I find, as a rule, they do not do very laborious work.

4795. You mean that the men, if brought back into the force, would still be inefficient for the purposes of police duty?—I am of that opinion; if a thief ran into his arms, he could hold him, but he could not catch one.

4796. You think that he is no longer an active officer?—Yes, I do.

4797. You think that the men who are pensioned upon medical certificate are, as a rule, really unfit any longer for police service?—As a rule, except one or two that I have suspected, who have seemed to recover and look very well; but if they commenced police duty again it is most likely they would fail under it; night duty has such an effect upon some men. One man tells me that he loses two stone weight every month he is upon night duty.

4798. You do not see those pensioners employed upon active work when they have left the force, do you?—They are generally employed as gate-keepers or watchmen; they are not employed in hard work.

4799. Do you think that the men feel that the contribution they make to the fund gives them a right to that pension?—No, they do not think much of that.

4800. Then all you would represent to the Committee is, that the feeling amongst those of the force that you know is in favour of the scale you have laid down, fixing a certain period at which the pension should be claimed as a right?—Yes, after 21 years' service.

4801. And that that pension should be a pension amounting to two-thirds of the pay?—Not at 21; it should be half-pay at 15 years' service, rising yearly to two-thirds of the pay at 24 years' service.

4802. What rise should there be between those periods?—From 15 to 24 would be nine years; you might divide the difference by nine.

4803. In the meantime you would suggest that a man should have a claim to retire upon 21 years' service at the lower rate?—At the rate upon which he would be entitled to retire upon medical certificate in that year.

4804. Have the men thought that the pension should be calculated upon the rank a man held at the moment of his retirement, or that it should be calculated at the last three years of his pay?—That it should be calculated upon the last three years of his pay.

4805. That

Chairman—continued.

4805. That is to say, that if he had in the last few months been promoted to the rank of inspector, and then claimed his retiring pension, having served 21 years, the number of months he had served in the rank of inspector should be counted in with the two previous years in the rank below?—Quite so.

Constable JOHN VARNEY, called in; and Examined.

Chairman.

4808. You are a Constable of the Metropolitan Police Force, I believe?—I am.

4809. And, as such, can you tell the Committee the feeling of the constables of the force with regard to this superannuation question?—I can.

4810. Have you talked it over among the men?—I have spoken to a great many, and a great many have spoken to me.

4811. Will you tell the Committee what the men feel, as a body, upon the subject?—The feeling is very much as Mr. Superintendent Mott stated; I do not think I could add anything to that.

4812. Having heard what Mr. Superintendent Mott has placed before the Committee, you think those terms of pension and the scale suggested by him are what the men have talked over?—They are.

4813. Do you think that the men generally feel that after 21 years' service, if they remain on in the force, they should claim the full pension up to the time of their quitting it, even if they are discharged for misconduct?—They are not very hard upon that; they wish to be able to claim their pension as a right at the end of 21 years.

4814. The men want a right to claim a pension at the end of 21 years, and they think if they continue in the service afterwards that pension should still be assured them?—Quite so.

4815. With regard to the other pensions and gratuities, are the men satisfied with the scale which is at present adopted?—They are with a gratuity at five years and a pension at 15 years, if they are incapacitated or suspended by medical certificate, and that on 21 years' service they should have a right to claim, and that if they are able to stop after that time the pension they became entitled to at 21 should be secured to them.

4816. Do you think that the question of pension enters into the minds of constables when they enter the force?—Yes, I am sure of it.

4817. You think, in joining the force, they look forward to the pension?—Yes, I know that I did.

4818. The uncertainty then of course is a very important part of the question?—It is.

4819. Do you think that the men would join the force more readily if they could look forward to a certain pension after a certain term of service?—They would.

4820. Do the men change very rapidly among the constables of your force?—Yes, we have a great number of changes in the course of the year, but I think they mostly take place before five years' service.

4821. It is the short service men who change?—It is.

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Chairman—continued.

4806. And that the pension should be paid upon that rate?—Yes; not the full inspector's pension, but with that included.

Colonel Dyott.

4807. Do you know if the force is much below the establishment?—I do not know that.

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Chairman—continued.

4822. I suppose that arises in a great measure from their finding the duties different from what they expected on joining the force?—No doubt.

4823. But after the men have been some time in the force they get attached to it, and they do not like to leave?—They do not; of course they have a strong idea that they may obtain a pension at the end of 15 years, but if they were sure of getting one at 21 years they would try and stop a little longer.

4824. You think it would be an inducement to them to remain in the force, and so conduct themselves that they would become entitled to the 21 years' service pension?—Yes, I do.

4825. Is there anything else which you wish to submit to the Committee, as a point upon which the men feel strongly?—No, nothing beyond what Mr. Superintendent Mott has stated, that I know of.

4826. All their desire is, that the present uncertainty should be changed for a fixed period, to which they could look forward?—Yes, that is the general feeling of the men, I believe.

Mr. Grantham.

4827. I did not quite understand whether you think the men regard this question of pension before they join, or whether, after they have been in the service and have become constables, they still think of it?—After they join they think more of it, but, as a matter of fact, the form which the men are supplied upon entering the service states what they will be eligible to receive at the expiration of 15 years; but there is no certainty about it; if it were more certain it would be an inducement to a better class of men to join than those who join at present.

4828. The prospect of this pension is actually referred to at present?—It is.

Colonel Dyott.

4829. You told the Committee that you indorsed, as a rule, the views which they have heard from Superintendent Mott; and you also told us that you yourself were influenced in joining the force by the prospect of pension?—I was.

4830. Superintendent Mott told the Committee that men now, for the sake of getting their pension, go through the formality of being sick. You look in very good health?—I am.

1831. Do you contemplate at all the question of pension through the formality of going sick, because that is Superintendent Mott's view?—No, I do not contemplate going sick.

4832. How long have you been in the force?—Twenty-eight years and two months; I am 50 on the 9th of next July.

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4833. Do

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Varney.

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Chairman.

4833. Do you think that the men of the force who have been 21 years in the service, if they felt sound and able to do their duty, would leave it?—I do not think they would; I think they would be very well satisfied with their wages if

they could be sure that they would be certain of their pension.

4834. You think that the inducement of their full pay, and a prospect of pension and of rising to a higher rank, would be sufficient to keep them in the force?—I think so.

Constable CHARLES WAITE, called in; and Examined.

Constable
Waite.

Chairman.

4835. You are a Constable of the City Police Force, I believe?—I am.

3836. Your superannuation scale of pensions differs a little from the scale that is adopted in the metropolitan police force?—It is slightly different.

4837. I think at 15 years and less than 20 you can take a sum equal to half-pay?—Yes, if returned unfit by the doctor upon medical certificate.

4838. The other pension is after 15 years' completed service, when it is 15-50ths, and for more than 20 years' service, when they are entitled to two-thirds?—Yes; that is to say, two-thirds of the scale of pay received at the time that the man was returned unfit.

4839. There is also a pension upon medical certificate?—Yes; that is a pension upon medical certificate.

4840. In fact, all the pensions in the City force are upon medical certificate until you have arrived at the age of 60?—They are.

4841. I suppose you are able to speak with regard to the feelings of the men as to the scale; is there any feeling of dissatisfaction with regard to the scale?—There is no dissatisfaction with regard to the scale that we go away upon, but only with regard to the uncertainty of going away.

4842. As the Committee have heard, the men feel that they should not be subject to this uncertainty after that period of service?—That is so.

4843. Have your force at all talked over what the period of service should be which should entitle a man to a pension?—Yes; the men think that 20 years should be the period at which they should claim a pension.

4844. That after 20 years' service they should be entitled to claim?—That after 20 years' service they should be entitled to claim a certain amount.

4845. What proportion should that be; should that be according to your present scale?—Yes, I think so.

4846. You would continue the present scale, but you would simply say that when 20 years had been completed the men should be entitled to take that as a right?—Yes; but that it should not interfere with the present right of claiming upon 15 years upon medical certificate.

4847. But after the completion of 20 years' service, can you suggest any scale for continuance, supposing a man continued in the force subsequently?—I would say up to 25 years.

4848. That up to 25 years he should be entitled to a slight increase in each year until it reached any given rate of pay?—A slight increase; that we would like to leave to the police committee.

4849. You would leave that to the police committee; but you would suggest that it should be a scale of pay rising from 20 years' service up to 25?—Yes.

Chairman—continued.

4850. Would 25 years' service be the maximum?—That should be the maximum time that a man should serve.

4851. Suppose a man continued after 25 years in the force, what then?—I do not think a man should remain in the force after that.

4852. Would you oblige a man to retire after 25 years service?—I think he ought to go after that time, for this simple reason; that a man having been 25 years in the force generally gets to the higher grades, and his remaining of course prevents the younger men from getting on.

4853. I understand you to say that a man should be driven out of the service when he has reached 25 years, for the purpose of accelerating the promotion of the others?—I think you would get better men in the service if you adopted that plan.

4854. Do you think it would be fair both to the ratepayers and to the man, that when he had served 25 years, if he was an active constable, and able to do his duty, he should be obliged to leave a service which he liked?—I do not think the man would be much use as a police officer at that time.

4855. You heard the evidence of the last witness, I believe?—Yes, I did.

4856. And you heard him say that he had been 28 years in the service?—Yes; but I should say that he was one of a thousand.

4857. What service have you yourself?—A little over nine years.

4858. Were you previously in any force, or did you join the City force for the first time?—For the first time. I was 24 years of age when I joined the City force.

4859. In the City you have gratuities for short service upon the same scale as in the metropolitan police force, have you not?—Yes.

4860. Those you would wish to remain?—Yes, just as now, in case of accident or injury.

4861. That when a man is disabled from accident there should be a gratuity given according to the present scale?—Yes, under 15 years.

4862. But that after 15 years the pensions should arise?—Yes; up to 20 years a man should be entitled to a pension of half-pay if returned unfit by the doctor.

4863. And rising afterwards to 25 years upon a scale which should be left to the police committee to decide?—Yes, as it is now. There is no dissatisfaction as to the rate of pension on going away, but only as to the uncertainty of getting away.

4864. When you have arrived at those 20 years' service, supposing you claim your pension, you may just have been promoted within the last few weeks to be an inspector; do you think it right that your pension should be calculated upon the rate of pay which, as an inspector, you had just reached, or should it be calculated upon

Chairman—continued.

upon the pay of the three last years of service?—In the City we slightly differ from other forces in that respect. I think if a man attained the rank of inspector, and were incapacitated from duty two or three months afterwards, he would retire upon the rank he held. I do not think there is anything of that sort in other forces.

4865. But it has been stated that in calculating the fixed pension which a man had a right to claim, it should not be calculated upon the rank he held at the moment, unless he had been some time in the rank; if he had been less than three years in that rank, that his pension should be calculated upon the average of the pay of his last three years' service; that would be perhaps one or two years as inspector, and one year of the rank below?—That would be my own opinion clearly, if I gave it. That question has not been mentioned with us, because all men who have been superannuated, have been superannuated upon the scale of pay which they received, without any limit of time.

4866. And you think that would be a proper way of continuing it under the present system?—I do.

4867. Is there any other point you would like to represent to the Committee as speaking for the force?—I do not think there is any other point.

4868. I think the question of gratuities to children does not arise in the City; that is at present given, is it not?—It is.

4869. And the other point, with reference to carrying service, does not arise in your force, does it?—There have been some cases where men have left us, and gone to other forces upon promotion.

4870. Do you think that the men feel aggrieved that the Act, as it at present stands, only allows them to carry half their years?—I think if a man goes from my force to any other force upon promotion, he should be allowed to take the whole of his service with him.

4871. That if a man goes on promotion, he

Chairman—continued.

should not be deprived of the years of service he had served in the other force?—Certainly not; that often prevents a man from taking an engagement in any other force, even if it is better for him, for fear of losing his service.

4872. I do not think I asked you whether the question of pension enters into the feelings of the men at all upon joining the force?—Yes; it affects us in this way: we have three scales of classes, 25 s., 28 s., and 31 s. 6 d.; those classes are limited, and if men were allowed to retire up to 25 years, their going out would cause younger men to attain the different classes sooner than they do at present.

4873. You mean the men do not pass through the ranks so rapidly as they should do, even good conduct men?—They do not pass through the ranks so rapidly as they would do if the men were retiring every year upon pensions; it affects them after they have joined the force 12 months.

4874. You think that men look forward to a pension when they first join?—Yes, I do.

4875. And then they begin to feel the grievance very soon of the length of time before they get the pension?—Yes.

4876. Do you think that it would retain men more in the force supposing the suggestion you made to the Committee were adopted?—I am certain it would; a man would say, I have four or five years' service here, and if I conduct myself properly, I shall be entitled to a pension after so many years; that would keep the men in the force.

4877. You think that a man would not like to lose his prospect of pension, especially having contributed to it?—We do not contribute in the City to the fund.

Mr. Torr.

4878. Have you at all considered if pensions were done away with, what increase of pay would be equivalent to make up for that deprivation?—I have not thought about that question.

Constable JAMES CLARKE, called in; and Examined.

Chairman.

4879. I BELIEVE you are also one of the City Police Force?—I am.

4880. Can you suggest to the Committee what the feelings of the force are; do you agree with the last witness, or have you any different scale which you would submit to the Committee?—The feeling of the men that I have consulted about the subject, and my own feeling, is the same as that of the last witness.

4881. You agree with the last witness that the force generally feel dissatisfied with the present uncertainty, and would wish, if it were possible, to see a fixed period at which they might claim a pension?—That is so.

4882. Do you think the 20 years which has been suggested is the period which the men think would be a proper time at which they might claim a pension?—Most of the men that I have spoken to think that at 20 years they ought to be able to claim half pay, and after 25 years' service two-thirds of their pay.

4883. Rising by a scale between the two?—By the scale at which they are now pensioned; to allow the present scale to remain, that is at 15 0.94.

Chairman—continued.

years' half-pay as we have now, being physically sick.

4884. And you would suggest that at 20 years you should get a pension of half-pay, but that the right should be given to you absolutely to retire?—That is the opinion of the men that I have consulted.

4885. And that when you have been 25 years in the service that should entitle you to two-thirds as retiring pension?—That that should entitle me to a claim to two-thirds as a retiring pension.

4886. Do you think that men should not be allowed to remain in that service after that period?—My own opinion, and that of those whom I have consulted is, that men should not be allowed to remain in the service after 30 years.

4887. Do you think that question should be left for the authorities?—I think the only reason young men, or the men in the force have for thinking that they should not remain in the force after that is, that it affects them in preventing them from getting up to the rank of a first-class

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Chairman—continued.

constable, just the same as it affects them in getting to the higher ranks.

4888. That which conduces to the efficiency of the force, namely, the retaining of its officers, stops the flow of promotion?—No doubt.

4889. Are there many places in the force which can be filled efficiently by men who are not equal to doing the duty of constables in the streets; I mean in the higher ranks?—There are not very many in ours.

4890. The greater part of the City police force have to do street duty, have they not?—Yes; there are very few who do not.

4891. What is the period of daily duty?—Eight hours.

4892. Is that during each day of the week?—Yes, during the whole seven days; eight hours a day.

4893. And when night duty comes in, does that free the day duty?—It is just the same, eight hours, whether it is day or night.

4894. Have you many men in your force at present between 40 and 50 years of age?—I could not answer that.

4895. What you would represent to the Committee is that you think the feelings of the men that you have consulted are in favour of this change to a fixed period, with a right to claim a pension; but that otherwise they are quite satisfied with the scale in use in the City force?—I am quite sure that all the men that I have consulted are quite satisfied with it.

4896. Is there any other point that the men have talked to you about?—There appears to be no grievance except the fixed time.

4897. Did this question of pension enter into your feelings when you joined the force?—Yes; it is mentioned in the form which is supplied to constables on joining.

4898. Will you hand that in to the Committee?—(*The same was handed in, see Appendix.*)

4899. I see that this paper states that well-conducted constables are eligible upon discharge from the service for their superannuation allowance in accordance with the terms of the Police Act, stating at the same time that they cannot claim the superannuation allowance as a right;

Constable ALFRED SPELLER, called in; and Examined.

Constable
Speller.

Chairman.

4911. You are also a constable of the City police?—I am.

4912. Have you been long in that force?—I have been 19 years in the force; I complete the twentieth year in September.

4913. Is that your first service, or have you served previously in any other force?—That was my first service.

4914. From the number of years you have been in the force, I imagine you can speak pretty confidently to the feelings of the men with regard to this superannuation question?—I can.

4915. You have heard the evidence that has been given; do you wish to endorse that?—I think the opinions of the men are the same as have been already stated.

4916. You think that the men are anxious that some fixed time should be given to entitle them to their pension?—That has been their grievance for a number of years past.

Chairman—continued.

that entered into your consideration, you say, when you joined the force?—Yes, it did.

4900. And having contributed to the fund for some years, you look upon it with more interest than you did when you joined?—Yes; and there is likewise something in our instruction book which gives you the same idea (*handing the same to the Committee*).

4901. Your instructions are really in the terms of the Act; they state to you in your instructions that there are certain conditions upon which you will get a pension?—That is so.

4902. And you think that that being stated in what I may call the advertisement sheet, and also in the instructions, does lead men in the force to look forward to this pension as something which they are almost entitled to?—It did me; I joined with the intention of staying in the force.

4903. Of course if you got a certainty with regard to your pension, it would be an additional reason for your wishing to remain in the force?—It would to me, certainly.

4904. When did you join the force?—I have been in the force eight years.

4905. Were you in any force previously to joining the City force?—No, none.

4906. It was your first service?—It was my first service.

Mr. Scourfield.

4907. Are you a native of London or the country?—I am a native of Norfolk.

Mr. Torr.

4908. What age are you?—I am 29.

Chairman.

4909. Will you tell the Committee what you thought of this question of pension when you joined the force; what you considered was held out to you?—I never thought when I joined the force that I should be able to claim a pension, but I thought that if I was physically unfit for my duty I should get one; that was the inducement it held out to me.

4910. The prospect which as I understand it held out to you was that a pension might under certain favourable circumstances be granted to you?—Quite so.

Chairman—continued.

4917. You have heard that grievance before?—Yes, years ago.

4918. Do you think it at all enters into the question of the men remaining in the force?—Yes, because there is no fair prospect for them.

4919. You mean by that, that they feel an uncertainty with reference to the question of pension, and that therefore they are induced to go away and take up other occupations instead of remaining in the force?—Yes.

4920. Do you think any change, such as has been suggested, of a fixed period of service, would obviate that objection?—Yes, I think it would very greatly benefit the force.

4921. That the men who have been a certain number of years in it would not like to lose their contributions?—No, there would be a great inducement for them to stay.

4922. At present do the men leave rapidly from

Chairman—continued.

from the force that you are acquainted with?—Not so much now as they did a few years ago.

4923. Has the rate of wage been raised recently?—Within the last two or three years.

4924. Do you think that has influenced the force?—Yes; we get a better class of men now.

4925. You think the change suggested would operate to bring a better class of men into the force?—It would.

4926. Do you think that it would affect men who now leave after one or two years' service, or does it not begin to be considered until after the men have been some time in the force?—After four or five years' service the question of pension begins to be considered.

4927. But it does not affect the men much in the earlier stages of their service?—No; indeed I have known instances in which men have come into the force for a convenience, to fill up their time.

4928. What time would you suggest?—I would suggest 15 years, as at present, unless medically unfit.

4929. And what then?—Twenty years at half-pay, rising to 25 years.

4930. Do you think that a man after 25 years' service should be compelled, if he was an able-bodied man, to retire?—Not after 25 years, but after 30 years.

4931. You think that after 30 years' service a man should not be allowed to remain in the force?—No; I think that after a man has done 30 years' service there is not much work left in him.

4932. Do you apply that to constables only?—No, to all ranks.

4933. Supposing a man is after 29 years just raised to be a superintendent, and has just got what he wanted, namely, the pay and the rank of superintendent, would you drive him out of the force?—I do not think there would be much fear of his getting the rank of superintendent then; he would be too old for it.

4934. At what age do you take men into your force?—Twenty-one years.

4935. Then he would be 50 or 51; do you think he would be incapacitated from doing his duty at 51?—It would depend upon the position he had been holding.

4936. Would not there be a grievance in the man's mind, if having reached the rank of superintendent he were to be compelled to leave the force?—He would be very anxious to go on a few years.

4937. Do you not think it would be very hard upon him to be told, "You must go; you must not stay in the force"?—There is no doubt he would be hurt at it, but there would be more chance of the younger men rising if that were made the rule.

4938. It is a question of promotion, in fact?—It is.

Chairman—continued.

4939. Are there any other points that the men have talked to you about that you would wish to place before the Committee?—No, I think that is all.

4940. You agree with other witnesses, that the men point only to having a fixed time at which they can claim to retire?—I think that is all.

4941. Now, with regard to the question that was answered by Superintendent Mott, do you think that after 21 years' service a man, if he continues in the force, should still be entitled to claim his pension, even if he committed some grave fault?—Yes, I am of that opinion.

4942. Do you agree with Superintendent Mott or the other witnesses that, though he might be entitled to claim the pension arising at 21 years, he should lose the further pension which arose after 21 years?—If a man committed himself after 21 years, I consider that he should forfeit the rise of pension beyond 21 years.

4943. The Committee have had two distinct suggestions placed before them, one by Superintendent Mott, and the other by the inspector; Superintendent Mott suggested that he should claim his pension, and should not lose the additional years' pension if he served on; but the inspector suggested that he should lose all except the pension to which he became entitled at 21 years?—That is my opinion.

Colonel Dyott.

4944. You are eight hours on duty, are you not?—Yes, I am.

4945. And the force is told off in three watches?—Yes; two for the day, and one for the night, divided into eight hours each.

Mr. Scourfield.

4946. Are there many men in your police who have served in county police forces before?—I think not.

4947. You have never heard any expression of opinion from them with reference to the comparative hardship of the service in the City and in the country?—I have heard with regard to persons applying that their qualifications were not good enough for them to be taken upon the City force.

4948. I am speaking about actual labour, whether the walking in streets tells more upon their constitutions than in the country?—I think it would, because it tells more upon their mind; in London there is so much traffic to regulate, whereas you may walk miles in the country and not see a vehicle.

Mr. Torr.

4949. At what age did you join the force?—Twenty-one.

*Constable
Speller.*

11 June
1875.

Friday, 18th June 1875.

MEMBERS PRESENT :

Mr. Fairfax Cartwright.
Mr. Cotes.
Mr. Cowper.
Colonel Dyott.

Mr. Scourfield.
Sir Henry Selwin-Ibbetson.
Mr. Torr.

SIR HENRY SELWIN-IBBETSON, BART., IN THE CHAIR.

SIR THOMAS HENRY, called in ; and Examined.

Sir
T. Henry.
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Chairman.

4950. YOU are the Chief Magistrate of the Police Courts in London, I think?—I am the Chief Magistrate of the Metropolitan Police Courts.

4951. And as such, you are brought very often into contact with the history of our police in the metropolis?—I have known it from its origin in 1829.

4952. Have you ever been made aware of the system of superannuation existing in the force?—I have heard of it.

4953. The first origin of the superannuation history, dates from 1839, I think?—It does.

4954. But the principle which is now carried out started later than that, I believe?—Yes, it started later than that; it is set forth in the evidence of Colonel Labalmondiere.

4955. Are you aware from any knowledge of your own, of the working of that Superannuation Act, with regard to the Metropolitan force?—I think the Metropolitan force is discontented with it.

4956. You think the men are dissatisfied with the existing system of pensions?—I have no doubt about it.

4957. Are you aware of the cause of that dissatisfaction?—Yes, the constables wish to have the certainty of a pension at a fixed period.

4958. In your belief, what the men dislike in the present system of pensions is, not the scale upon which they are granted, but that there is that uncertainty about it, which leaves a man after many years' service at the mercy of a report?—Their objection is, that they can get no pension except upon the certificate of the surgeon to the police force.

4959. That, unless they are either 60 years of age, or incapacitated by illness, they are not eligible for a pension?—The attainment of the age of 60 years is a very rare thing in the police.

4960. The men complain that there is inequality in that view, from the fact that a man may have to serve a very great number of years, if he is a healthy man, before he stands any chance of superannuation?—A man who entered the force at 20, might well serve until he was 60 years of age, namely 40 years, and still not be entitled to a pension.

4961. Do you think that there are cases of men serving that period?—No, there are very few men who serve anything like that length of time ;

Chairman—continued.

but the objection to the present system is, that the constables leave the force and take situations in railway and other companies, to obtain a better salary, although they have no pension under those companies; but they do not wish to wait so many years upon the chance of getting a pension at the end of them in the police force.

4962. Then in your opinion a pension which was made a certainty to them after a certain period of service, would retain them in the force?—I think it would.

4963. It would act as such an inducement that the men, instead of leaving to go to those other situations, tempted by the momentary higher rate of pay, would look to this pension, and would remain in the force?—Yes, I believe they would prefer remaining if they were certain that after serving a certain number of years they would obtain a pension.

4964. The efficiency of the force naturally would be increased by the permanence of the men?—Immensely; you would get the intelligent men to remain. The misfortune at present is that the intelligent men leave, and the dull men remain.

4965. You mean that the intelligent men get situations elsewhere, not caring to remain in the service upon the chance of pension?—I have known many leave in that way, much to our regret.

4966. Your force changes very rapidly, does it not?—Very rapidly; I believe there is not a man in the force now who was in it when I was made a magistrate.

4967. What number of years is that?—I have been 35 years a magistrate.

4968. Therefore that shows that the age of 60, supposing the men enlist as they frequently do at the age of 20 or 21, is a very unfair time for pension?—It is so.

4969. Looking at it from the other side of the question, from which I dare say you have considered it, namely, from the ratepayers side of the question, do you think that the ratepayers of London would be satisfied with having to find pensions for men who would take that pension after a fixed period of service when they were fit for work, being still comparatively young men?—I believe that the ratepayers of London want to have the most efficient police that can be provided, and that anything that will accomplish that will

Chairman—continued.

will be agreed to. I believe the great mass of the ratepayers, especially the shopkeepers and people who wish to have their property well protected, entertain that view.

4970. Therefore, if it could be shown that a system of pension tended to increase that efficiency, you believe that the ratepayers would not object to it?—I feel sure they would not, seeing that the amount of pension which would come out of the pocket of each ratepayer is a very small amount indeed.

4971. The superannuation fund which formerly existed in the Metropolitan police force is a dead letter, as we are informed?—I saw that Colonel Labalmondiere said that it was a myth, but I do not think that that is quite the case. However, I do not profess to know enough of it to give evidence about it; the executive are not under my management; I speak more from having had opportunities of conversing about it than from personal knowledge.

4972. Supposing the superannuation fund to exist in part, do you think that a superannuation fund, standing as it does to a certain extent between the rates and the pensions, is of advantage, or otherwise?—The men have not complained of paying a superannuation contribution, and therefore I should not be disposed to dispense with it altogether; they have never put that forward as a grievance.

4973. In the metropolis, I believe, it is a *bonâ fide* deduction, which is made from their pay of 2½ per cent. ?—That is so.

4974. Not as in the City, where the full pay is given, and the 2½ per cent. is passed to a separate account by the City authorities?—No; it is a *bonâ fide* deduction in the case of the metropolitan police.

4975. Do you think the men having to contribute in this way believe that they have a claim in consequence upon the fund?—Of course all the men look forward sooner or later to having a pension upon medical certificate; but the majority of them feel that they may wait for a great many years before they may obtain that.

4976. But the object of my question was this; I wanted to know whether you thought that their having to contribute this 2½ per cent. deducted from the pay made them feel that they had a sort of right to pension?—They know, I think, that they have not the right.

4977. As far as you know, does it form a subject of complaint among the men, or is it a grievance that they should have to contribute, and not have that right?—I have not heard the ground urged, and I have read the evidence of Mr. Mott and the other witnesses; they do not seem to allege that as a grievance.

4978. Mr. Mott, in his evidence here, stated that he expressed, he thought, the wish of the men of his rank of the force, when he said that they asked for 21 years as the time at which they should be able to claim a certain pension?—I have no doubt that no one knows the feeling of the whole force better than Mr. Mott.

4979. You believe that Mr. Mott, in his evidence fairly represented the feeling of his comrades?—I have no doubt the whole force would endorse anything that Mr. Mott said; he is a man very much esteemed by the force, and justly so.

4980. I suppose by that, you mean that the force would endorse the general principles he

Chairman—continued.

laid down, without going into particular details?—That is what I mean, of course.

4981. I put that to you, because Mr. Mott in his evidence, read letters from other superintendents of the force differing in details as to the terms of pension from his own?—They differ slightly, but not very materially; I have read those letters; they are all very good superintendents who wrote them; I know them all.

4982. There was one distinction made which attracted the notice of the Committee; Mr. Mott himself told us that he was of opinion that a certain pension should be given after 21 years' service, but that if a man consented to continue in the force, he should of course be entitled to claim a higher rate of pension for further service, and that he should not forfeit that claim for any subsequent misconduct; that opinion was different from what was expressed in the letters of the other superintendents, who said that the man should forfeit the pension for the further term of years; and that they only asked that the man should not forfeit the pension arising upon the 21 years' service to which he would have had a right if he had chosen to leave the force at the expiration of that term?—I think that would depend upon what the misconduct was; I cannot go the length that Mr. Mott does, that no misconduct, short of felony, as I read that evidence, should deprive him of a pension. It might be that an officer might commit what I should consider a very grave fault, even though it were not indictable, and the Government would be justified in removing him. Mr. Mott seems to fear that he might be removed capriciously by the Commissioners of Police, but the Committee probably know that that cannot be done without the sanction of the Secretary of State. I think that is the guarantee which the superior officers, indeed all the officers of the police have, namely, that the Secretary of State must confirm their dismissal; practically, I think, there is no danger of such capricious action being taken.

4983. Practically, the officers have the guarantee that their case will be considered by some other authority than the Commissioners of Police?—They have a guarantee that their case will be fairly considered.

4984. But looking at the question from the point of view of the efficiency of the force, you would endorse the opinion that a fixed period of service would be for the advantage of the force?—I quite go that length; I think that is almost necessary; indeed I may say I think it is necessary.

4985. That it is necessary that there should be some such attraction in the force, in order to keep your good men continuously there?—I think so; the present system does not retain them. If you want to retain efficient intelligent men, you must hold out a stronger temptation than now exists.

4986. Do you consider that that should not be done by an increased rate of pay, or would you prefer that a pension system should be continued?—I greatly prefer the pension.

4987. You think an increased rate of pay would not afford the same inducement?—I think not, because I wish to retain men, if possible, 21 or 25 years. A man who enters the force at 21 or 25 years of age is likely to be a very efficient man, supposing him to be intelligent, up to the end of that period, and I do not want him to leave sooner; I want, if possible, to prevent men resigning

Sir
T. Henry.
18 June
1875.

Sir
T. Henry.
18 June
1875.

Chairman—continued.

signing before they have completed their 21 years of service.

4988. What scale of pension would you suggest a man should take as a right at 21 years?—Two-thirds; I would hold out no pension until a man had attained 21 years' service, and then I would give him a pension of two-thirds without any medical certificate.

4989. Would you leave a higher rate of pension to be aimed at with further service?—I would; but in that case I would make it subject to the opinion of the Commissioners and the surgeon, because a man might wish to remain after he had completed 21 years' service, when he might not be a sufficiently active man to be fit for further service in the force; therefore I would not let it depend altogether upon his own will.

4990. I suppose that in the way the force is managed at present the Commissioners would have the power of saying that a man must retire on account of physical incapacity?—No doubt; a man is taken before the surgeon, and if the surgeon reports that he is unfit for service he must go.

4991. The Committee have had before them some evidence from the constables of the force, urging that there should be a fixed period beyond which a man should not be allowed to remain in the force; that is to say, that a constable when he had arrived, one policeman said at 25, another said at 30 years' service, should be obliged to leave the force, they urge that upon the ground of the necessity for promotion?—I think that question ought not be considered. A man who had served 21 or 25 years, seeing that he might at that time be only 45 years of age, might still be a very active and efficient constable, and I think it would be a pity to say he must go.

4992. You think that it would be a hardship upon the man himself, do you not?—It would be a hardship upon the man himself, and an injury to the force and to the ratepayers.

4993. Some years back there was a system in the pension history of the force which, as regarded short pensions, gave them only for a term of five years, and obliged the pensioner to report himself after those five years had expired, for a reconsideration of his case. I believe that system has been abandoned?—That system has been abandoned; it was too long a period. If the surgeon could give three months' leave of absence, or we will say sometimes six months, you might sometimes retain a very efficient constable who had been temporarily broken down, but I would rather a surgeon should give evidence upon that point. I have heard it very often discussed, because I have known first-rate men in the police force who have resigned in consequence of the police-surgeon's medical certificate that they were unfit, and within a month or two they have been fulfilling police duties on railways quite as laborious as those in the police force.

4994. And involving quite as much anxiety as in the police force?—Yes; I have known men who were inspectors upon metropolitan railways very soon after they have received their certificates from the surgeon. I think that five years is too long, because a man generally obtains another situation during that interval, and is reluctant to present himself again; and if a man is not willing to enter the force it is not very desirable to ask him to do so.

Chairman—continued.

4995. But you think that a modification of the system would have a tendency to increase the efficiency of the force?—I think the surgeon might have the privilege of giving a man three months in the country.

4996. Allowing the man to retain his pay and allowances during that period?—Yes, just as leave is granted in any public department.

4997. I do not know whether you are aware of the inquiry which took place at the time that Dr. Farr made his report?—I am aware of that.

4998. At that time Dr. Farr was very strongly in favour of a term of years being fixed for short pensions?—I believe he was.

4999. And he had an inspection of the pensioners, I believe?—I believe he did; I only know it from hearsay.

5000. You do not know what number of those pensioners when called up were fit for service again?—I do not know; I do not suppose that there were many who answered to the roll-call.

5001. Is there anything which you would wish to add to the evidence you have already given?—I have said all that I think is material. I take a very great interest in the force, and I think it would be very desirable indeed to grant them a pension for a fixed period of service with a view to induce a better class of men to enter the force, and still more to induce them to remain in it when they have joined; at present they do not remain sufficiently long.

Colonel Dyott.

5002. You stated that the force was established in 1829?—Yes.

5003. Did I understand you rightly that you had been connected with the magistracy of London during the whole of that time?—No, I was appointed to the magistracy in March 1840; but I was very intimate with Sir Richard Mayne, who was on the Northern Circuit with me when he was appointed in 1829, and seeing him constantly, I took a great interest in the force, and therefore have known a great deal about it from that time to the present.

5004. This superannuation fund was created in 1839, I believe?—It was, when the Police Act 2 & 3 Vict. c. 47, was passed.

5005. Do you know whether there had been men placed upon the superannuation fund in respect of service performed between 1829 and 1839, when they were not contributing to the fund?—I do not like to speak positively with regard to that; but I rather think that they were placed upon the fund when they had not contributed to it; but those are not details within my department.

5006. You are strongly in favour of men being given pensions, a point upon which we are all agreed; would you make any distinction between a man receiving a pension for length of service, and a man receiving a superannuation allowance by reason of being really superannuated, that is to say, obliged to leave the force from age or infirmity, sickness, or any cause of that kind?—I think that there ought to be a superannuation allowance, if a man is disabled in the service; a man might meet with a severe injury in the execution of his duty, for which he should be superannuated.

5007. In point of fact, you would rather suggest that there should be a distinction between a pension

Colonel Dyott—continued.

pension and a superannuation allowance?—Quite so.

5008. Now with regard to Superintendent Mott's evidence, you say that nobody knows the feeling of the force better than Superintendent Mott?—Yes; quite so.

5009. The Committee heard from Superintendent Mott that men were in the habit of "going sick" for the sake of being discharged upon the superannuation fund, leading us to suppose that the process of going through the hands of the surgeon was a formal process; that men, in reality, went before the surgeon, and, as it were, feigned sickness when they were not in reality sick; is that your opinion?—I did not quite collect from reading Superintendent Mott's evidence, that he went so far as that.

5010. He used the words "formality of going sick"; that was his expression. He thought it was desirable to have a pension system so as to prevent men from going through what he termed the formality of sickness for the sake of being placed upon the superannuation fund?—But I think that ought not to exclude the case of a man who is sick.

5011. But all that ought to be avoided if there is a fund for pensions distinct from the superannuation fund?—It ought to be distinct, but I think the pension fund would not be sufficient without also having a superannuation fund for a man who was injured in the service.

5012. Superintendent Mott's evidence was to the effect that after being 15 years in the service the men should be entitled to claim a pension of a certain amount, and after 21 years' service a much higher amount; but he suggested beginning with a pension after 15 years?—That was Superintendent Mott's evidence; I should like to extend the period to 21 years, considering that the men frequently enter the service at the age of 21.

5013. From your knowledge of the force, have you known instances of men being discharged for misconduct, after having served a considerable number of years in the force?—There is no doubt that men have been discharged, but I assume that they were rightfully discharged.

5014. In a large force like the metropolitan of 10,000, there must be bad men as well as good; do not you think it would operate disadvantageously upon the force if men who were not of the best sort, and yet had served a sufficient number of years to entitle them to a pension, were allowed to come under a fixed rule such as you have recommended?—What I recommend would not in the slightest degree interfere with the power to discharge in the event of a man misconducting himself.

5015. But men frequently go on for a time, not being very creditably conducted, but not being found out. In the event of the adoption of such a system as you recommend, you would have the man discharged upon a good-conduct pension, who, if there had been no such rule entitling him to discharge, would ultimately have been found out?—I do not admit that, because if they are men who do not conduct themselves in a way that is creditable to the force, they ought not to remain in it.

Colonel Dyott—continued.

5016. We have heard of such things as policemen being certainly unfit for their place?—Yes, but then they are discharged; they might be discharged at the end of 20 years, and not receive a farthing of pension; but that would be no grievance.

Mr. Torr.

5017. I understood you to suggest that a man should receive two-thirds of his pay at the end of 21 years as a pension, and that if he remained longer you would increase that; but you did not say to how much you would increase it?—If a man had completed 35 years' service, I think the country ought not to complain of giving him a pension to the amount of his full pay then; but very few, I think, could remain to that period. As I said before, I believe, upon inquiry, it would be found that there is scarcely one man in the force who has served 35 years.

Mr. Scourfield.

5018. From your observation of the police, does it require any number of years' service before they acquire a thorough knowledge of their duties?—Certainly. It depends, of course, upon the intelligence of the man how soon he learns his duty, but I think I might fairly say that very few men indeed can learn the duties of a constable under two years. And there is a very important matter which perhaps is hardly relevant to the inquiry; but it is very important that steps should be taken to teach the men their duty upon entering the force; it is a thing which requires a great deal of trouble, because it is very difficult for a constable to know under what circumstances he may arrest or may not; it requires very often a very good lawyer to know that, and yet a constable in the streets is expected to know it.

Chairman.

5019. Will you look at that (*handing a Paper to the Witness*); that is a list put in by Colonel Labalmondiere of the number of constables who have been dismissed the service; I think you will see in one of those columns that over 15 years' service the number of dismissals is very small indeed?—It is very small, because they are generally steady, well-conducted constables when they have arrived at that period; they are men who do not commit themselves, and do not get drunk, or get into other kinds of trouble.

5020. There is another point I wish to refer to. Colonel Dyott has made a slight mistake with reference to Superintendent Mott's assertion as to the "formality of going sick." That evidence is in the letter that Superintendent Mott read from Superintendent Brennan. He is asked at Question 4753: "Will you read the letter you refer to." (A.) "I beg to suggest that a fixed term of years, say 15 for half pay, and 21 for the maximum two-thirds, at which time a man should be able by right to claim his pension, without the formality of going sick and being returned unfit by surgeon?"—I ventured to make the observation before, that I did not collect that Superintendent Mott had made that statement himself.

Sir
T. Henry.
18 June
1875.

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A P P E N D I X.

Appendix, No. I.

PAPER handed in by the *Chairman*.

Appendix, No. 1.

ROYAL IRISH CONSTABULARY.

By the 37 & 38 Vict. c. 80, s. 3, the following scale of superannuation was authorised for this force.

1. After 15 *years*' service, an annual pension of 15 *fiftieths* of the salary, and an increase of one-fiftieth for each successive year up to 30 years' service completed.

2. After 30 *years*' service, or after the age of 60 years, the pension to be equal to 30 *fiftieths* of the salary, or to a larger proportion in cases of extraordinary merit or good conduct; the particulars constituting such merit or conduct to be set forth in the authority granting the pension. If the pension exceeds the amount which might have been granted for length of service only, the consent in writing of the Lords Commissioners of the Treasury must be obtained.

3. For injuries received in the actual performance of duty, a pension may be granted in proportion to the injury received, not exceeding the full salary; the grounds of disability to be fully set forth in the authority granting the pension. If the pension exceeds the amount which might have been granted for length of service only, the consent in writing of the Lords Commissioners of the Treasury must be obtained.

Gratuities.—A gratuity of one month's salary for each year's service, when such service has exceeded five years, and been less than 15 years.

No member of the force is entitled absolutely to any superannuation allowance.

After 30 years' service, or after attaining the age of 60 years or upwards, an officer may be superannuated without a medical certificate.

Clause 4 provides for the forfeiture of pension for misconduct.

30 April 1875.

R. S. M.

Appendix, No. 4.

PAPER handed in by Captain Willis.

SOUTH DISTRICT.—COUNTIES.

LENGTH of SERVICE above 15 Years, and Age above 60 Years.

29th September 1874.	Length of Service.				Age.	Authorised Strength of Police in Counties in South District, including Men not Paid from Rates.
	15 Years and less than 20 Years.	20 Years and less than 25 Years.	25 Years and less than 30 Years.	30 Years and upwards.	Above 60 Years.	
Chief Constable - -	—	—	—	—	—	Total authorised regular Police in Counties - 3,063 Additional Constables - 89 3,172
Superintendent - -	89	13	11	11	6	
Inspector - - -	22	4	2	—	—	
Serjeant - - -	157	23	20	4	1	
Constable - - -	299	26	15	7	5	
	567	66	48	22	12	
	703					

SOUTH DISTRICT.—BOROUGHES.

LENGTH OF SERVICE above 15 Years, and Age above 60 Years.

29th September 1874.	Length of Service.				Age.	Authorised Strength of Police Force in Boroughs in South District.
	15 Years and less than 20 Years.	20 Years and less than 25 Years.	25 Years and less than 30 Years.	30 Years and upwards.	Above 60 Years.	
Head Constable - -	13	1	1	8	6	Total authorised regular Police in Boroughs - 1,735
Superintendent - -	5	—	1	3	2	
Inspector - - -	23	16	9	4	3	
Serjeant - - -	55	25	15	10	5	
Constable - - -	142	23	16	8	9	
	238	65	42	33	25	
	378					

No Returns furnished from the small Boroughs of Penryn, St. Ives, Bideford, Sandwich, and Chard.

Appendix, No. 3.

PAPER handed in by Colonel Cobbe.

MIDLAND DISTRICT.

LENGTH of SERVICE above 15 Years, and above 60 Years of Age.

29 September 1874.	Length of Service			Age	Authorised Strength of Police in the District.	REMARKS.
	15 Years and less than 20 Years.	20 Years, and less than 25 Years.	25 Years and upwards.	Above 60 Years.		
Head Constables and Superintendents - - - -	74	25	57	18	- -	Chief constables are not shown.
Inspectors - - - -	66	26	37	5		
Serjeants - - - -	185	62	36	6		
Constables - - - -	388	96	75	16		
	663	209	205	40		
	1,077				4,611	
Counties - - - -	510	150	158	30	3,173	26 Chief constables not included nor shown in these columns.
*Boroughs - - - -	158	59	47	10	1,438	Additional constables not shown.
	663	209	205	40	4,611	

* The length of service of the constable at Southwold not included; no return.

COUNTIES:

Per-centage of men to authorised strength who have served 25 years and upwards, 5 per cent.

Ditto - - - ditto - - - ditto - 20 „ 4 „

Ditto - - - ditto - - - ditto - 15 „ 16 „

BOROUGHES:

Per-centage of men to authorised strength who have served 25 years and upwards, 3 „

Ditto - - - ditto - - - ditto - 20 „ 4 „

Ditto - - - ditto - - - ditto - 15 „ 10½ „

C. A. Cobbe,
Inspector of Constabulary.

Appendix, No. 6.

Appendix No. 6.

PAPER handed in by Colonel *Labalmondière*.

METROPOLITAN POLICE.

RETURN of the Number of POLICE and their Length of SERVICE, who have been
DISMISSED, from the Year 1862 to 1874, inclusive.

Year.	Under 5 Years' Service.	5 Years, and Under 10 Years.	10 Years, and Under 15 Years.	15 Years, and Upwards.	Total.	Remarks.
1862 - - -	249	27	9	6	291	
1863 - - -	170	32	2	4	208	
1864 - - -	191	21	7	5	224	
1865 - - -	219	18	6	3	246	
1866 - - -	218	20	12	9	259	
1867 - - -	205	14	9	1	229	
1868 - - -	263	10	8	7	288	
1869 - - -	230	20	12	1	263	
1870 - - -	201	30	9	7	247	
1871 - - -	202	29	1	4	236	
1872 - - -	196	22	11	5	234	
1873 - - -	184	34	13	3	234	
1874 - - -	150	35	12	4	201	
TOTAL - - -	2,678	312	111	59	3,160	6 per cent.

Metropolitan Police Office, 4, Whitehall Place,
June 1875.

W. Harris, Chief Inspector.

Appendix, No. 7.

PAPERS handed in by Mr. J. H. Brown.

THE LENGTH OF SERVICE AND PROPER AGE OF RETIREMENT.

Appendix, No. 7.

It is desirable that a uniform rule should be adopted so as to simplify the working of the Fund; but it is apprehended that an insuperable difficulty lies in the way in consequence of the rights of the members of the force in Sections "1" and "2," under the Act of 1848, having been reserved in the 1859 and 1865 Acts, and it is presumed that no attempt will be made to interfere with the reservation.

It may be proper, however, to make use of the statistics which relate to Sections "1" and "2," in connection with those which relate to Sections "3" and "4," in order to form a correct notion as to what is a reasonable length of service and a proper age of retirement to be fixed for the latter sections. (See pages 234, 235, 236, and 237.)

With this view attention is requested to the following averages derived from those statistics, viz. :—

1.—Average Age at joining :—

In Section No. 1	-	-	-	-	-	-	29	years.
Ditto - „ 2	-	-	-	-	-	-	27½	„
Ditto - „ 3	-	-	-	-	-	-	26½	„
Ditto - „ 4	-	-	-	-	-	-	26	„

2.—Average Number of Years' Service at 50 Years of Age :—

In Section No. 1	-	-	-	-	-	-	19½	years.
Ditto - „ 2	-	-	-	-	-	-	22½	„
Ditto - „ 3 will be	-	-	-	-	-	-	23½	„

3.—Average Number of Years' Service whilst in receipt of One-third Allowance :—

In Section No. 1	-	-	-	-	-	-	4½	years.
------------------	---	---	---	---	---	---	----	--------

4.—Average Period during which they have been in receipt of Full Allowance is 7½ years.

5.—Present Average Age exclusive of Members who have retired Sick or Infirm :—

In Section No. 1	-	-	-	-	-	-	60½	years.
------------------	---	---	---	---	---	---	-----	--------

6.—Probable Average Period during which they may remain in receipt of Full Allowance, 6 years.

7.—Average Number of Years' Service at 55 Years of Age will be :—

In Section No. 2	-	-	-	-	-	-	27½	years.
Ditto - „ 3	-	-	-	-	-	-	28½	„

— No. 1. —

BOROUGH OF SUNDERLAND.—POLICE SUP

STATEMENT of ALLOWANCES and GRATUITIES to Members of Force under the Provisions

YEARS ENDING 31st AUGUST

[illegible]

RANNUATION FUND.

f the POLICE SUPERANNUATION FUND ACT, 1848.

[illegible]

John H. Brown, Borough Accountant.

O F S U N D E R L A N D,-

of RECEIPTS, ALLOWANCES, and

Interest.			TOTALS.		
£.	s.	d.	£.	s.	d.
-	16	6	64	7	4
8	-	-	104	-	-
5	15	6	107	11	2
8	12	-	119	4	7
11	17	7	161	17	3
29	11	5	261	1	5
45	4	10	245	10	7
48	10	2	222	16	-
54	7	7	291	46	-
71	15	1	270	10	4
74	12	6	335	15	8
86	17	3	309	18	4
93	-	6	336	12	3
100	11	4	378	9	11
110	12	6	473	17	5
126	18	10	472	12	4
136	1	10	482	4	4
138	16	1	501	18	8
154	6	8	469	4	10
163	19	2	575	16	3
184	16	-	555	14	9
185	10	11	633	13	4
190	11	2	685	16	8
200	12	11	819	1	4
251	-	2	1,168	3	6
260	16	8	1,022	1	8
2,738	15	2	11,069	4	5

— No. 2. —

POLICE SUPERANNUATION FUND.

INVESTMENTS, from 20th June 1848 to 31st August 1874.

	A L L O W A N C E S.			Surplus Income.	I N V E S T M E N T S.	
	One-Third.	In Full.	TOTALS.		Nature of Security.	Amounts.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.		£. s. d.
1	- - -	- - -	- - -	64 7 4	—	—
2	- - -	- - -	- - -	104 - -	—	—
3	- - -	- - -	- - -	107 11 2	—	—
4	- - -	- - -	- - -	119 4 7	—	—
5	17 13 6	- - -	17 13 6	144 3 9	—	—
6	42 2 -	- - -	42 2 -	218 19 5	Baths, &c. - - -	500 - -
7	33 8 -	39 18 2	78 6 2	172 4 5	- - ditto. - - -	100 - -
8	23 8 -	80 - -	103 8 -	119 8 -	—	—
9	23 8 -	54 17 8	78 5 8	212 18 10	—	—
10	13 2 8	96 - -	109 2 8	161 7 8	—	—
11	30 14 2	33 10 -	64 4 2	271 11 6	—	—
12	11 11 -	151 2 8	162 13 8	147 4 8	{ Baths, &c. - - - Old Union Workhouse -	450 - - 750 - -
13	9 19 11	183 14 10	198 14 9	142 17 6	—	—
14	- - -	222 19 8	222 19 8	155 10 3	—	—
15	10 16 8	237 2 8	247 19 4	225 18 1	—	—
16	13 - -	215 12 8	228 12 8	243 19 8	Mowbray Park - - -	500 -
17	26 - -	220 2 8	246 2 8	236 1 8	—	—
18	23 16 8	220 2 8	243 19 4	257 19 4	Baths, &c. - - -	250 - -
19	65 13 4	234 2 8	299 16 -	169 8 10	—	—
20	72 18 1	220 2 8	298 - 9	282 15 6	Old Union Workhouse -	200 - -
21	63 10 8	288 4 8	351 15 4	203 19 5	Hylton Road Station -	950 - -
22	70 19 4	379 18 8	450 18 -	182 15 4	—	—
23	84 16 11	513 - 6	547 17 5	137 19 3	—	—
24	23 3 9	564 8 2	587 11 11	231 9 5	—	—
25	- - -	615 7 -	615 7 -	552 16 6	Low-street Station - -	1,000 - -
26	- - -	591 6 -	591 6 -	480 15 8	- - ditto - - -	400 - -
	610 2 8	5,161 14 -	5,771 16 8	5,297 7 9	- - - - -	5,100 - -
				5,100 - -		
				197 7 9		

BALANCE at Bankers, 31 August 1874 - - - £.

John H. Brown, Borough Accountant.

— No. 3. —

BOROUGH OF SUNDERLAND-

STATEMENT showing the AMOUNTS to which the Present and Future RECIPIENTS from the Fund
from 1st September 1874

Serial No.	NAME OF MEMBER.	Rank on Retiring.	Years' Service as			YEARS ENDING 31ST AUGUST								
			Constable.	Serjeant.	Sub-Inspector.	1875.		1876.		1877.		1878.		
						Allowances.		Allowances.		Allowances.		Allowances.		
						One-third.	Full.	One-third.	Full.	One-third.	Full.	One-third.	Full.	
1	Benjamin Holmes -	Inspector -	1	5	-	-	52 - -	-	52 - -	-	52 - -	-	52 - -	
2	John Gunn -	Serjeant -	12	-	-	-	36 8 -	-	36 8 -	-	36 8 -	-	36 8 -	
3	Edward Pearson -	Sub-inspector -	3	5	-	-	45 1 4	-	50 5 4	-	50 5 4	-	50 5 4	
4	Thomas Pearson -	Serjeant -	16	-	-	-	38 2 8	-	38 2 8	-	45 1 4	-	45 1 4	
5	William Temple -	Constable -	23	-	-	-	38 2 8	-	38 2 8	-	38 2 8	-	38 2 8	
6	George Holmes -	Constable -	19	-	-	-	28 12 -	-	28 12 -	-	28 12 -	-	28 12 -	
7	Richard Gill -	Serjeant -	18	-	-	-	38 3 -	-	38 3 -	-	38 3 -	-	38 3 -	
8	Neil M'Intyre -	Inspector -	6	9	1	-	45 1 4	-	45 1 4	-	45 1 4	-	45 1 4	
9	Thomas Burton -	Serjeant -	12	-	-	-	38 2 8	-	41 12 -	-	41 12 -	-	41 12 -	
10	Wake Paxton -	Constable -	21	-	-	-	38 2 8	-	41 12 -	-	41 12 -	-	41 12 -	
11	William Johnson -	Serjeant -	8	-	-	-	45 1 4	-	45 1 4	-	45 1 4	-	45 1 4	
12	Thomas Liddell -	Constable -	22	-	-	-	38 2 8	-	41 12 -	-	41 12 -	-	41 12 -	
13	Joseph M. Donnison	Constable -	25	-	-	-	38 2 8	-	41 12 -	-	41 12 -	-	41 12 -	
14	John Harrop -	Inspector -	6	1	1	-	38 2 8	-	45 1 4	-	50 5 4	-	60 13 4	
15	Alexander Kent -	Sub-inspector -	3	1	-	-	37 14 -	-	37 14 -	-	37 14 -	-	37 14 -	
16	Charles Chell -	Serjeant -	9	8	-	-	28 12 -	-	31 4 -	-	31 4 -	-	31 4 -	
17	James Smith -	Serjeant -	11	-	-	-	-	-	46 16 -	-	46 16 -	-	46 16 -	
18	Patrick Dunn -	Constable -	-	-	-	-	-	-	-	11 10 -	-	-	46 16 -	
19	Joseph Stainsby -	Chief constable -	-	-	-	-	-	25 - -	-	50 - -	-	25 - -	100 - -	
20	R. Leckenby -	Serjeant -	12	-	-	-	-	-	-	-	-	-	-	
21	William Pringle -	Constable -	-	-	-	-	-	-	-	-	-	-	-	
22	G. R. Maddison -	Constable -	-	-	-	-	-	-	-	-	-	11 10 -	-	
23	Charles Haysom -	Constable -	-	-	-	-	-	-	-	-	-	-	-	
24	John Nicholson -	Superintendent -	2	2	2 and Inspector 2.		-	-	-	-	-	-	-	
25	James Elliott -	Inspector -	5	6	-	-	-	-	-	-	-	-	-	
26	Donald M'Leod -	Inspector -	10	4	1	-	-	-	-	-	-	-	-	
27	John Peacock -	Serjeant -	11	-	-	-	-	-	-	-	-	-	-	
28	William Steele -	Serjeant -	14	-	-	5 15 -	-	11 10 -	-	11 10 -	-	11 10 -	-	
29	John Reay -	Constable -	14	-	-	-	-	-	-	-	-	-	-	
30	Thomas Hall -	Inspector -	6	2	2	-	-	-	-	-	-	-	-	
31	Lawrence Colley -	Constable -	-	-	-	-	-	-	-	-	-	-	-	
32	James Rathey -	Constable -	-	-	-	-	-	-	-	-	-	-	-	
33	John Chambers -	Serjeant -	13	-	-	-	-	-	-	-	-	-	-	
34	William Harding -	Serjeant -	8	-	-	-	-	-	-	-	-	-	-	
35	Robert Watson -	Constable -	-	-	-	-	-	-	-	-	-	-	-	
TOTALS			-	-	-	£.	5 15 -	623 11 8	36 10 -	698 19 8	78 - -	711 2 4	48 - -	868 6 4

— No. 3. —

POLICE SUPERANNUATION FUND.

will be entitled under the Provisions of the POLICE SUPERANNUATION FUND ACT, 1848,
to 31 August 1885.

YEARS ENDING 31ST AUGUST														
1879.		1880.		1881.		1882.		1883.		1884.		1885.		
Allowances.		Allowances.		Allowances.		Allowances.		Allowances.		Allowances.		Allowances.		
One-third.	Full.	One-third.	Full.	One-third.	Full.	One-third.	Full.	One-third.	Full.	One-third.	Full.	One-third.	Full.	
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
1	-	52 - -	-	52 - -	-	52 - -	-	52 - -	-	52 - -	-	52 - -	-	52 - -
2	-	36 8 -	-	36 8 -	-	36 8 -	-	36 8 -	-	36 8 -	-	36 8 -	-	36 8 -
3	-	50 5 4	-	50 5 4	-	50 5 4	-	50 5 4	-	50 5 4	-	50 5 4	-	50 5 4
4	-	45 1 4	-	45 1 4	-	45 1 4	-	45 1 4	-	45 1 4	-	45 1 4	-	45 1 4
5	-	38 2 8	-	38 2 8	-	38 2 8	-	38 2 8	-	38 2 8	-	38 2 8	-	38 2 8
6	-	28 12 -	-	28 12 -	-	28 12 -	-	28 12 -	-	28 12 -	-	28 12 -	-	28 12 -
7	-	38 8 -	-	38 8 -	-	45 1 4	-	45 1 4	-	45 1 4	-	45 1 4	-	45 1 4
8	-	45 1 4	-	60 13 4	-	60 13 4	-	60 13 4	-	60 13 4	-	60 13 4	-	60 13 4
9	-	45 1 4	-	45 1 4	-	45 1 4	-	45 1 4	-	45 1 4	-	45 1 4	-	45 1 4
10	-	41 12 -	-	41 12 -	-	41 12 -	-	41 12 -	-	41 12 -	-	41 12 -	-	41 12 -
11	-	45 1 4	-	45 1 4	-	45 1 4	-	45 1 4	-	45 1 4	-	45 1 4	-	45 1 4
12	-	41 12 -	-	41 12 -	-	41 12 -	-	41 12 -	-	41 12 -	-	41 12 -	-	41 12 -
13	-	41 12 -	-	41 12 -	-	41 12 -	-	41 12 -	-	41 12 -	-	41 12 -	-	41 12 -
14	-	60 13 4	-	60 13 4	-	60 13 4	-	60 13 4	-	60 13 4	-	60 13 4	-	60 13 4
15	-	37 14 -	-	37 14 -	-	37 14 -	-	37 14 -	-	37 14 -	-	37 14 -	-	37 14 -
16	-	31 4 -	-	31 4 -	-	31 4 -	-	31 4 -	-	36 8 -	-	36 8 -	-	36 8 -
17	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -
18	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -
19	-	200 - -	-	200 - -	-	200 - -	-	200 - -	-	200 - -	-	200 - -	-	200 - -
20	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -
21	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -
22	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -
23	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -
24	-	-	-	46 16 -	-	46 16 -	-	50 5 4	-	50 5 4	-	57 4 -	-	67 12 -
25	-	23 8 -	-	46 16 -	-	46 16 -	-	46 16 -	-	50 5 4	-	50 5 4	-	50 5 4
26	-	-	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -
27	-	-	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -
28	5 15 -	23 8 -	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -
29	-	-	-	-	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -
30	-	-	-	-	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -
31	-	-	-	-	-	-	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -
32	-	-	-	-	-	-	-	46 16 -	-	46 16 -	-	46 16 -	-	46 16 -
33	-	-	-	-	-	-	-	-	-	23 8 -	-	46 16 -	-	46 16 -
34	-	-	-	-	-	-	-	-	-	23 8 -	-	46 16 -	-	46 16 -
35	-	-	-	-	-	-	-	-	-	-	-	23 8 -	-	46 16 -
	5 15 -	1,205 15 4	-	1,408 11 8	-	1,502 3 8	-	1,606 3 4	-	1,652 19 4	-	1,738 15 4	-	1,772 11 4

John H. Brown, Borough Accountant.

— No. 4. —

BOROUGH OF SUNDERLAND.—POLICE SUPERANNUATION FUND.

STATEMENT of probable RECEIPTS and ALLOWANCES from 1st September 1874 to 31st August 1885, and the AMOUNT out of RESERVE FUND to satisfy the Claims shown in Statement No. 3.

YEARS ending 31st August	R E C E I P T S.					Full Allowances.	Surplus Income.	Surplus Payments out of Reserve Fund.	One-third Allowances.
	Contributions.	Gratuities, Fines, Sick Money, &c.	Half Penalties, &c.	Interest.	TOTALS.				
	£ s. d.	£ s. d.	£ s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£ s. d.	£. s. d.
1875	202 - -	105 - -	460 - -	280 - -	1,047 - -	623 11 8	423 8 4	- - -	5 15 -
1876	202 - -	105 - -	460 - -	290 - -	1,057 - -	698 19 8	358 - 4	- - -	36 10 -
1877	202 - -	105 - -	460 - -	299 - -	1,066 - -	711 2 4	354 17 8	- - -	73 - -
1878	202 - -	105 - -	460 - -	308 - -	1,075 - -	868 6 4	206 13 8	- - -	48 - -
1879	205 - -	105 - -	400 - -	313 - -	1,083 - -	1,205 15 4	- - -	122 15 4	5 15 -
1880	205 - -	105 - -	460 - -	300 - -	1,080 - -	1,408 11 8	- - -	328 11 8	- - -
1881	205 - -	105 - -	460 - -	300 - -	1,070 - -	1,502 3 8	- - -	432 3 8	- - -
1882	205 - -	105 - -	460 - -	290 - -	1,060 - -	1,606 3 4	- - -	546 3 4	- - -
1883	210 - -	105 - -	460 - -	280 - -	1,055 - -	1,652 19 4	- - -	597 19 4	- - -
1884	210 - -	105 - -	460 - -	265 - -	1,040 - -	1,738 15 4	- - -	608 15 4	- - -
1885	210 - -	105 - -	460 - -	250 - -	1,025 - -	1,772 11 4	- - -	747 11 4	- - -
TOTALS	2,258 - -	1,155 - -	5,060 - -	3,185 - -	11,658 - -	13,789 - -	1,343 - -	3,474 - -	- - -
									£.
Add One-third Allowances									2,131 - -
									169 - -
									2,300 - -
									£.

Sunderland, 31 March 1876.

John H. Brown, Borough Accountant.

BOROUGH OF SUNDERLAND.—POLICE SUPERANNUATION FUND.

STATEMENT showing the AMOUNTS which would be Paid to present and future RECIPIENTS, provided they should be paid two-thirds of the Full Pay they were receiving on retiring between 1st September 1874 and 31st August 1885.

Serial Number.	NAME OF MEMBER.	Rank on Retiring.	YEARS ENDING 31st AUGUST											
			1875.	1876.	1877.	1878.	1879.	1880.	1881.	1882.	1883.	1884.	1885.	
			Allowances.	Allowances.	Allowances.	Allowances.	Allowances.	Allowances.	Allowances.	Allowances.	Allowances.	Allowances.	Allowances.	
1	Benjamin Holmes	Inspector	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.		
2	John Gunn	Serjeant	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -		
3	Edward Pearson	Sub-Inspector	36 8 -	36 8 -	36 8 -	36 8 -	36 8 -	36 8 -	36 8 -	36 8 -	36 8 -	36 8 -		
4	Thomas Pearson	Serjeant	50 5 4	50 5 4	50 5 4	50 5 4	50 5 4	50 5 4	50 5 4	50 5 4	50 5 4	50 5 4		
5	Wm. Temple	Constable	45 1 4	45 1 4	45 1 4	45 1 4	45 1 4	45 1 4	45 1 4	45 1 4	45 1 4	45 1 4		
6	George Holmes	Constable	38 2 8	38 2 8	38 2 8	38 2 8	38 2 8	38 2 8	38 2 8	38 2 8	38 2 8	38 2 8		
7	Richard Gill	Serjeant	28 12 -	28 12 -	28 12 -	28 12 -	28 12 -	28 12 -	28 12 -	28 12 -	28 12 -	28 12 -		
8	Neil McIntyre	Inspector	45 1 4	45 1 4	45 1 4	45 1 4	45 1 4	45 1 4	45 1 4	45 1 4	45 1 4	45 1 4		
9	Thomas Burton	Serjeant	60 13 4	60 13 4	60 13 4	60 13 4	60 13 4	60 13 4	60 13 4	60 13 4	60 13 4	60 13 4		
10	Wake Paxton	Constable	45 1 4	45 1 4	45 1 4	45 1 4	45 1 4	45 1 4	45 1 4	45 1 4	45 1 4	45 1 4		
11	Wm. Johnson	Serjeant	41 12 -	41 12 -	41 12 -	41 12 -	41 12 -	41 12 -	41 12 -	41 12 -	41 12 -	41 12 -		
12	Thomas Liddell	Constable	45 1 4	45 1 4	45 1 4	45 1 4	45 1 4	45 1 4	45 1 4	45 1 4	45 1 4	45 1 4		
13	Joseph M. Donnison	Constable	41 12 -	41 12 -	41 12 -	41 12 -	41 12 -	41 12 -	41 12 -	41 12 -	41 12 -	41 12 -		
14	John Harrop	Inspector	62 8 -	62 8 -	62 8 -	62 8 -	62 8 -	62 8 -	62 8 -	62 8 -	62 8 -	62 8 -		
15	Alexander Kent	Sub-Inspector	39 - -	39 - -	39 - -	39 - -	39 - -	39 - -	39 - -	39 - -	39 - -	39 - -		
16	Charles Chell	Serjeant	41 12 -	41 12 -	41 12 -	41 12 -	41 12 -	41 12 -	41 12 -	41 12 -	41 12 -	41 12 -		
17	James Smith	Serjeant	55 9 4	55 9 4	55 9 4	55 9 4	55 9 4	55 9 4	55 9 4	55 9 4	55 9 4	55 9 4		
18	Patrick Dunn	Constable	53 - -	53 - -	53 - -	53 - -	53 - -	53 - -	53 - -	53 - -	53 - -	53 - -		
19	Joseph Stainsby	Chief Constable	200 - -	200 - -	200 - -	200 - -	200 - -	200 - -	200 - -	200 - -	200 - -	200 - -		
20	R. Leckenby	Serjeant	55 9 4	55 9 4	55 9 4	55 9 4	55 9 4	55 9 4	55 9 4	55 9 4	55 9 4	55 9 4		
21	Wm. Pringle	Constable	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -		
22	G. R. Maddison	Constable	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -		
23	Charles Hayson	Constable	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -		
24	Jno. Nicholson	Superintendent	78 17 4	78 17 4	78 17 4	78 17 4	78 17 4	78 17 4	78 17 4	78 17 4	78 17 4	78 17 4		
25	James Elliott	Inspector	79 14 8	79 14 8	79 14 8	79 14 8	79 14 8	79 14 8	79 14 8	79 14 8	79 14 8	79 14 8		
26	Donald McLeod	Serjeant	74 10 8	74 10 8	74 10 8	74 10 8	74 10 8	74 10 8	74 10 8	74 10 8	74 10 8	74 10 8		
27	John Peacock	Serjeant	60 13 4	60 13 4	60 13 4	60 13 4	60 13 4	60 13 4	60 13 4	60 13 4	60 13 4	60 13 4		
28	Wm. Steele	Serjeant	55 9 4	55 9 4	55 9 4	55 9 4	55 9 4	55 9 4	55 9 4	55 9 4	55 9 4	55 9 4		
29	John Reay	Constable	27 14 8	27 14 8	27 14 8	27 14 8	27 14 8	27 14 8	27 14 8	27 14 8	27 14 8	27 14 8		
30	Thomas Hall	Inspector	74 10 8	74 10 8	74 10 8	74 10 8	74 10 8	74 10 8	74 10 8	74 10 8	74 10 8	74 10 8		
31	Lawrence Colly	Constable	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -		
32	James Rathey	Constable	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -	52 - -		
33	John Chambers	Serjeant	55 9 4	55 9 4	55 9 4	55 9 4	55 9 4	55 9 4	55 9 4	55 9 4	55 9 4	55 9 4		
34	Wm. Harding	Serjeant	27 14 8	27 14 8	27 14 8	27 14 8	27 14 8	27 14 8	27 14 8	27 14 8	27 14 8	27 14 8		
35	Robert Watson	Constable	26 - -	26 - -	26 - -	26 - -	26 - -	26 - -	26 - -	26 - -	26 - -	26 - -		
TOTALS - - - £.			714 2 8	769 12 -	769 12 -	921 12 -	1,248 13 4	1,530 6 8	1,656 17 4	1,760 17 4	1,816 6 8	1,897 16 -	1,923 16 -	

Sunderland, 31 March 1875.

John H. Brown, Borough Accountant.

— No. 6. —

BOROUGH OF SUNDERLAND.—POLICE SUPERANNUATION FUND.

STATEMENT of probable RECEIPTS and ALLOWANCES, from 1 September 1874 to 31 August 1885, and the AMOUNTS to be taken out of the RESERVE FUND to make the Payments shown in Statement, No. 5.

YEARS ending 31 August	RECEIPTS.			Interest, &c.	TOTAL.	Allowances.	Surplus Income.	Surplus Payments out of Reserve Fund.
	Contributions.	Gratuities, Fines, and Sick Money.	Half Penalties, &c.					
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1875 - -	202 - -	105 - -	460 - -	280 - -	1,047 - -	714 2 8	332 17 4	- - -
1876 - -	202 - -	105 - -	460 - -	289 - -	1,056 - -	769 12 -	286 8 -	- - -
1877 - -	202 - -	105 - -	460 - -	296 - -	1,063 - -	769 12 -	293 8 -	- - -
1878 - -	202 - -	105 - -	460 - -	303 - -	1,070 - -	921 12 -	148 8 -	- - -
1879 - -	205 - -	105 - -	460 - -	306 - -	1,076 - -	1,248 13 4	- - -	172 13 4
1880 - -	205 - -	105 - -	460 - -	300 - -	1,070 - -	1,530 6 8	- - -	460 6 8
1881 - -	205 - -	105 - -	460 - -	285 - -	1,055 - -	1,656 17 4	- - -	601 17 4
1882 - -	205 - -	105 - -	460 - -	265 - -	1,035 - -	1,760 17 4	- - -	725 17 4
1883 - -	210 - -	105 - -	460 - -	240 - -	1,015 - -	1,816 6 8	- - -	801 6 8
1884 - -	210 - -	105 - -	460 - -	215 - -	990 - -	1,897 16 -	- - -	907 16 -
1885 - -	210 - -	105 - -	460 - -	180 - -	955 - -	1,923 16 -	- - -	1,068 16 -
TOTAL - £.	2,253 - -	1,155 - -	5,060 - -	2,959 - -	11,432 - -	15,009 12 -	1,061 1 4	4,738 13 4 1,061 1 4
							£.	3,677 12 -

Sunderland, 31 March 1875.

John H. Brown, Borough Accountant.

— No. 7. —

SECTION No. 1.

BOROUGH OF SUNDERLAND.—POLICE SUPERANNUATION FUND.

NAMES of OFFICERS and CONSTABLES, with the Dates and Ages at joining, Length of Service, Years' Allowance, and present Age, who have been SUPERANNUATED, from 1st September 1852 to 31st August 1874.

N A M E.		Date at Joining.	Age at Joining.	Number of Years' Service.	Retired Infirm.	Number of Years One-third Allowance.	Number of Years Full Allowance.	Infirm Men.	Present Age.	Infirm Men.
Deceased.	William Brown - -	1837	34	16	-	2	-	-	-	-
	Jno. Bailes - - -	1837	50	15	-	5	-	-	-	-
	Thos. Topham - -	1841	21	-	13	-	-	1	-	-
	Thos. Jamieson - -	1839	21	-	18	-	-	-	-	-
	William Leybourn -	1839	29	21	-	1	14	-	65	-
	J. W. Turner - - -	1855	32	-	13	-	-	1	-	-
At present on the Fund.	B. Holmes - - - -	1838	36	15	-	6	15	-	72	-
	J. Gunn - - - - -	1839	26	18	-	-	17	-	61	-
	E. Pearson - - - -	1838	29	21	-	3	13	-	66	-
	William Temple - -	1847	35	15	-	8	4	-	62	-
	T. Pearson - - - -	1840	24	21	-	-	14	-	59	-
	Geo. Holmes - - -	1844	22	-	20	-	-	11	-	53
	Richard Gill - - -	1839	25	23	-	6	4	-	58	-
	Neil McIntyre - -	1840	26	24	-	6	4	-	60	-
	Thomas Burton - -	1846	29	20	-	3	5	-	57	-
	Wake Paxton - - -	1839	27	21	{ Vacancy of six years. }	5	3	-	62	-
	William Johnson - -	1850	33	16		6	3	-	58	-
	Thomas Liddell - -	1847	27	21	-	-	6	-	54	-
	Jos. M. Donnison -	1844	25	25	-	-	5	-	55	-
	Jno. Harrop - - -	1848	29	21	-	3	2	-	55	-
	Alexander Kent - -	1854	20	-	16	-	-	5	-	45
	Charles Chell - - -	1856	28	-	18	-	-	1½	-	46
TOTAL - - -			637	313	- -	54	109	- -	844	
AVERAGE Periods of Age, Service and Allowance - - -			29	19½	- -	4½	7½	- -	60½	

No. 7—*continued*.

SECTION No. 2.

BOROUGH OF SUNDERLAND.—POLICE SUPERANNUATION FUND.

MEMORANDUM as to continuing 1848 Men in Force for Five Years to 1885, according to provision in Section 2, of the ACT of 1848.

DATE.	Full Allowance.	One-third Allowance.	Saving by Continuance.	No. of Men.
	£. s. d.	£. s. d.	£. s. d.	
1876 - - - -	46 16 -	15 12 -	31 4 -	1
1877 - - - -	46 16 -	15 12 -	31 4 -	1
1878 - - - -	198 12 -	64 10 8	129 1 4	2½
1879 - - - -	527 12 -	175 17 4	351 14 8	7
1880 - - - -	714 16 -	238 5 4	476 10 8	12
1881 - - - -	761 12 -	253 17 4	507 14 8	11
1882 - - - -	858 13 4	286 4 5	572 8 11	18
1883 - - - -	858 13 4	286 4 5	572 8 11	17
1884 - - - -	548 1 4	182 13 9	365 7 6	12
1885 - - - -	327 12 -	109 4 -	218 8 -	7
£.	4,884 4 -	1,628 1 4	3,256 2 8	

BOROUGH OF SUNDERLAND.—POLICE SUPERANNUATION FUND.

NAMES of OFFICERS, with the Dates and Ages at Joining, at present on the Force, and who will be entitled to be Superannuated under the ACT of 1848.

NAME.	Year of Joining.	Age at Joining.	Years Service at 50.	Year Entitled to Retire.	Years Service at 55.
Joseph Stainsby - - - -	1858	32	18	1878	23
John Nicholson - - - -	1853	25	25	1879	30
J. Elliott - - - -	1853	25	25	1879	30
Thomas Hall - - - -	1855	22	28	1880	33
D. M'Leod - - - -	1855	25	25	1879	30
John Peacock - - - -	1855	28	22	1879	27
James Smith - - - -	1853	29	21	1875	26
R. Leckenby - - - -	1856	29	21	1878	26
William Steele - - - -	1859	34	16	1879	21
Patrick Dunn - - - -	1857	31	19	1877	24
James Rathey - - - -	1854	24	26	1881	31
William Pringle - - - -	1851	29	21	1878	26
G. R. Maddison - - - -	1858	31	19	1878	24
L. Colly - - - -	1858	28	22	1881	27
Charles Haysom - - - -	1855	28	22	1878	27
John Reay - - - -	1854	25	25	1880	30
William Harding - - - -	1858	26	24	1882	29
Robert Watson - - - -	1859	28	22	1883	27
John Chambers - - - -	1857	24	26	1882	31
TOTAL - - -		523	427	- -	522
AVERAGE Periods of Age and Service -		27½	22½	- -	27½

No. 7—continued.

SECTION No. 3.

BOROUGH OF SUNDERLAND.—POLICE SUPERANNUATION FUND.

NAMES of OFFICERS and CONSTABLES who have joined the Force since May 1859, with the Dates and Ages at joining, and who will have completed 20 Years or more in 1885.

NAMES.	Year of Joining.	Age at Joining.	Years' Service in 1885.	Years' Service at 55.	Year, Entitled to	
					One-half.	Two-thirds.
William Hardy - - -	1859	26	21	29	- -	1889
John Nichol - - -	1860	33	25	22	1883	1888
Jonathan Hardy - - -	1860	23	25	32	- -	1892
Charles Munro - - -	1860	28	25	27	- -	1887
William Stothart - - -	1861	21	24	34	- -	1895
T. F. Ritson - - -	1861	25	24	30	- -	1891
William Huntley - - -	1862	24	23	31	- -	1893
John Huntley - - -	1862	25	23	30	- -	1892
Joseph Norman - - -	1862	31	23	24	1881	1886
Gawin Geddes - - -	1862	29	23	26	- -	1888
James Mullens - - -	1862	27	23	28	- -	1890
P. Ellis - - -	1862	33	23	22	1882	1887
Thomas Hornby - - -	1862	27	23	28	- -	1890
R. Elliott - - -	1862	21	23	34	- -	1896
David Barron - - -	1862	34	23	21	1883	1887
Henry Reay - - -	1864	20	21	35	- -	1899
Thomas Wrathmall - - -	1864	31	21	24	1884	1888
B. Peacock - - -	1864	22	21	33	- -	1897
J. Metcalfe - - -	1864	29	21	26	- -	1890
David Burnett - - -	1865	23	20	32	- -	1897
William Thornborrow - - -	1865	24	20	31	- -	1896
TOTAL - - -		556	- -	599		
AVERAGE Periods of Age and Service -		26½	- -	28½		

BOROUGH OF SUNDERLAND.—POLICE SUPERANNUATION FUND.

PRO-FORMA STATEMENT of Amount of Liability in respect of ALLOWANCES to Men who might be entitled to Retire at the Age of 55 and after 25 Years' Service, between 1886 and 1899 inclusive.

YEAR.	No. of Men.	1886.	1887.	1888.	1889.	1890.	1891.	1892.	1893.	1894.	1895.	1896.	1897.	1898.	1899.
1886	1	£. 50	£. 50	£. 50	£. 50	£. 50	£. 50	£. 50	£. 50	£. 50	£. 50	£. 50	£. 50	£. 50	£. 50
1887	3	-	150	150	150	150	150	150	150	150	150	150	150	150	150
1888	3	-	-	150	150	150	150	150	150	150	150	150	150	150	150
1889	1	-	-	-	50	50	50	50	50	50	50	50	50	50	50
1890	3	-	-	-	-	150	150	150	150	150	150	150	150	150	150
1891	1	-	-	-	-	-	50	50	50	50	50	50	50	50	50
1892	2	-	-	-	-	-	-	100	100	100	100	100	100	100	100
1893	1	-	-	-	-	-	-	-	50	50	50	50	50	50	50
1894	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1895	1	-	-	-	-	-	-	-	-	-	50	50	50	50	50
1896	2	-	-	-	-	-	-	-	-	-	-	100	100	100	100
1897	2	-	-	-	-	-	-	-	-	-	-	-	100	100	100
1898	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1899	1	-	-	-	-	-	-	-	-	-	-	-	-	-	50
		50	200	350	400	550	600	700	750	750	800	900	1,000	1,000	1,050

TOTAL - - - £.9,100.

No. 7—continued.

Appendix, No. 7.

SECTION No. 4.

BOROUGH OF SUNDERLAND.—POLICE SUPERANNUATION FUND.

NAMES of OFFICERS and CONSTABLES, with the Dates and Ages at joining the BOROUGH POLICE FORCE since 1865, at present in the Force.

N A M E.	Date at Joining.	Age at Joining.	N A M E.	Date at Joining.	Age at Joining.
G. T. Hutchinson - -	1869	25	William Bradford - -	1874	30
Jas. Innis - - -	1868	26	J. Willis - - -	1867	31
T. Burnett - - -	1871	29	R. Strong - - -	1869	26
J. Nelson - - -	1874	22	B. J. Dykstra - - -	1872	31
J. Brown - - -	1868	26	George Baker - - -	1872	23
John Spence - - -	1871	30	J. W. Maddison - - -	1872	22
Thomas Bibby - - -	1872	25	John Lowes - - -	1874	24
Peter Thompson - - -	1873	22	J. Kirk - - -	1871	22
F. Shrimpton - - -	1873	32	T. Hutchinson - - -	1868	22
Josh. Steels - - -	1870	29	J. Wilson - - -	1874	27
William Elliott - - -	1869	30	L. McLeod - - -	1867	25
H. G. Allan - - -	1875	30	William Law - - -	1868	20
William Eaton - - -	1872	27	William Best - - -	1867	25
J. Adamthwaite - - -	1873	22	C. Cowell - - -	1873	23
W. P. Carr - - -	1866	23	R. Muckle - - -	1873	27
George Mackie - - -	1873	21	J. Watson - - -	1872	29
C. McPhail - - -	1873	27	G. Clark - - -	1871	21
William Ross - - -	1869	25	G. Forbes - - -	1872	27
Thomas Joyce - - -	1875	21	C. Tullock - - -	1874	25
C. Brown - - -	- - -	34	R. Hardy - - -	1876	30
James Crozier - - -	1864	27	Joseph Steele - - -	1874	24
John Ross - - -	1873	22	J. Brebner - - -	1871	21
George Hardy - - -	1869	32	J. D. Eaton - - -	1871	23
R. B. Anderson - - -	1873	21	G. Bell - - -	1875	29
George Herd - - -	1870	26	John Barnes - - -	1875	33
G. Souther - - -	1874	25	A. Thompson - - -	- - -	22
W. Moreland - - -	1867	28	J. Trail - - -	1875	23
A. Jordan - - -	1873	20	J. Hope - - -	1875	28
J. Thompson - - -	1870	35	R. Lowther - - -	1875	29
J. Burrows - - -	1875	24	J. Dunne - - -	1875	30
H. Nicholson - - -	1870	20	William Craig - - -	1875	22
J. Fallon - - -	1872	20	F. Hanlen - - -	- - -	22
Wm. Duncan - - -	1871	30	Edward Scarf - - -	1869	23
G. Simblett - - -	1874	23	Thomas Davy - - -	- - -	29
J. Cockburn - - -	1873	27	Thomas Pearson - - -	1874	22
E. S. Forsyth - - -	1871	27			
R. Yarde - - -	1874	34			
C. King - - -	1874	39			
William Carter - - -	1871	22			
Edward Lockie - - -	1869	32			
			TOTAL - - -		1,949
			AVERAGE AGE - - -		26 Years.

Appendix, No. 7.

— No. 8. —

BOROUGH OF SUNDERLAND.—POLICE SUPERANNUATION FUND.

MEMORANDA relative to the value of CONTRIBUTIONS by the POLICE FORCE to the SUPERANNUATION FUND in the several Sections of the Force at the present Rate of Contribution, and supposing the whole to serve till they are 50 Years of Age.

The Value with Compound Interest, according to Willich's Tables, page 54, being as understated.

No. of Section.	Constables' Annual Contribution.	Rate of Interest.	Average Years' Service.	Value with Interest.	No. of Men.	Aggregate Amount.
	£. s. d.			£. s. d.		£. s. d.
1	2 - -	5 per cent. -	24	89 - -	22	1,958 - -
2	2 - -	- ditto -	22½	80 - -	19	1,520 - -
3	2 - -	- ditto -	23½	85 - -	21	1,785 - -
4	2 - -	- ditto -	24	89 - -	75	6,675 - -
						£. 11,938 - -

The like at the age of 55 years.

No. of Section.	Constables' Annual Contribution.	Rate of Interest.	Average Years' Service.	Value with Interest.	No. of Men.	Aggregate Amount.
	£. s. d.			£. s. d.		£. s. d.
1	2 - -	5 per cent. -	29	124 13 -	22	2,742 - -
2	2 - -	- ditto -	27½	113 2 8	19	2,150 - -
3	2 - -	- ditto -	28½	120 14 -	21	2,535 - -
4	2 - -	- ditto -	29	124 13 -	75	9,349 - -
						£. 16,776 - -

The Expectation of Life at 55 Years of Age, according to Willich's Tables, page 177, is 17·66 years.

The following are the Amounts which the several Sections would receive during the average period of 12 Years at the Minimum Rate of 50 l. for each Member, viz. :—

No. of Section.	No. of Men.	Aggregate Amounts.
		£. s. d.
1	22	13,200 - -
2	19	11,400 - -
3	21	12,600 - -
4	75	45,000 - -
		£. 82,200 - -

N.B.—It will be readily perceived that the period of 12 Years is very moderate.

J. H. B.

I N D E X.

ANALYSIS OF INDEX.

LIST of the PRINCIPAL HEADINGS in the following INDEX, with the Pages at which they may be found.

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I N D E X.

[*N.B.*—In this Index the *Figures* following the Names of the Witnesses refer to the Questions in the Evidence; those following *App.* to the Pages in the Appendix; and the Numerals following *Rep.* to the Pages in the Report.]

A.

ACTS OF PARLIAMENT. Hardship under the Act of 1859, inasmuch as only half the service previous to the Act was allowed to count towards a pension, *Hitchman* 1280-1284, 1362-1365; *Glossop* 1445, 1446—Expediency of repealing all the former Acts if a new Act be passed, *Bishop* 3600, 3601.

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Age of Enlistment. Explanations on the subject of ages of enlistment; power of enlistment under thirty-five years of age in counties, and at any age in boroughs, *Willis* 44-52, 115-123, 158-161—Proposal that a man should not count service till twenty-one years of age, *Willis* 124; *Cobbe* 230, 231—Grounds for the statement that men join now too young, and are not nearly so serviceable as formerly, *Cobbe* 275-278.

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Age of Retirement. Grounds for the suggestion that no man should be retained in the service after the age of fifty-two, unless on special certificate from the Government Inspector, *Herbert* 2776-2779—Increased efficiency if men were retired at fifty years of age; consideration of objections to this view, *Wait* 3092-3097, 3103-3111.

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See also *Efficiency*. *Fixed Period of Service*. *Scale of Pensions*.

Allison, John. (Analysis of his Evidence.)—Is Head Constable of Swansea, 965—Only sixty men at present in the Swansea corps, though the authorised strength is sixty-four; 966-969—Details of the length of service, 970, 971—Establishment of the regular force in 1843 and the fund in 1848; 972, 973. 1671, 1672—Total of seven pensioners, a majority of whom were in the force previous to 1848, and consequently take pensions from a fund to which for some years they did not contribute; general occurrence of this in most boroughs, 974-977. 1073, 1074—Amount and constitution of the fund; slight excess of receipts over disbursements, 978-986—Probably not more than three men could become pensioners in the next three years, 987, 988.

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B.

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Present amount and constitution of the fund; excess of expenditure over receipts lately, *Warner* 1125. 1128-1138—Investment in Three Per Cents. by the direction of the quarter sessions, *ib.* 1126, 1127. 1223-1225—The present state of the fund is very unsatisfactory, *ib.* 1138—Suggestions for remedying this by granting the fees for the

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the service of summonses, &c., the whole of penalties and fines, or even a Government contribution, *Warner* 1139-1143. 1221, 1222.

Scale and conditions of pensions, which are satisfactory except from their uncertainty, *Warner* 1147-1161—General scale of a month's pay for a year's service, *ib.* 1179-1182—Details of the men's ages, terms of service, and rates of pay, *ib.* 1190-1208—Luton is policed by the county, but there is a separate force at Bedford, *ib.* 1209-1211—Nearly all the pensioners are earning money in various employments, notwithstanding the average age of leaving being fifty-four, *ib.* 1212, 1213.

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BIRMINGHAM:

1. *Details relative to the Police Force, the Number of Men, Rate of Pay, &c.*
2. *Particulars in connection with the Superannuation Fund, and its Operation.*
3. *Feeling in the Force in favour of a Right to Pensions after a fixed Period of Service; Objections thereto by the Watch Committee.*
4. *Other Details generally.*

1. *Details relative to the Police Force, the Number of Men, Rate of Pay, &c. :*

The Birmingham force consists of 440 men, exclusive of eight or ten specially engaged, who are nevertheless attached to the force and affect the superannuation fund, *Glossop* 1371-1374—The force is between twenty and thirty men short, owing to the difficulty of recruiting during the last two or three years, *ib.* 1416-1420. 1423, 1424. 1434, 1435—Particulars of the rate of pay, which is high; inducement thereby to remain in the force, *ib.* 1425, 1426—Comparative rates of wage of a policeman and a working man in Birmingham, *ib.* 1433, 1434.

Nearly one-fourth of the men lost every year through different reasons, *Glossop* 1436—Details of the number of men who voluntarily resign, these being about one-eleventh of the whole force; great inducements and temptations to leave the force, *ib.* 1464-1470.

Rate of pay of the different classes in the Birmingham force; improvement of late, *Green* 3009-3012—Several instances of men permanently injured in the force, *ib.* 3021, 3022.

Tables handed in, showing the number of men who leave or are dismissed, *Manton* 4492-4497—Details of the wages for constables, these varying from 23 s. to 31 s.; extra pay after three, five, and ten years' service, *ib.* 4525-4527.

2. *Particulars in connection with the Superannuation Fund, and its Operation :*

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3. *Feeling in the Force in favour of a Right to Pensions after a fixed Period of Service; Objections thereto by the Watch Committee :*

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3015, 3016—Great dissatisfaction on account of the present uncertainty, *Green* 2976. 2994-2997. 3016—Strong inducement to the men to remain in the service if pensions were a certainty; statement hereon as to the numerous resignations in the force, *ib.* 2980-2993. 3013, 3014—Total of thirty-eight men in the force over twenty years' service, there being, however, no claim to a pension till the age of sixty, *ib.* 2994-2997.

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4. Other Details generally;

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Bishop, John. (Analysis of his Evidence.)—Very satisfactory condition of the police force in Carmarthenshire, which has been in operation since 1843; 3562-3568—Very few pensioners on the fund since its establishment, owing to the action of the chief constable in discouraging applications; nor is the number likely to increase very much, 3569-3575. 3581-3584. 3604, 3605—Feeling of the men that they should be entitled to pensions after twenty-five years' service, 3576-3578. 3598, 3599—Inducement to men to remain in the force if there were a certainty of pension, 3579, 3580. 3597.

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Brown, John Haswell. (Analysis of his Evidence.)—Is borough accountant of Sunderland, and has taken charge of the borough accounts since 1853; 4091-4093—Establishment of the police fund in June 1848, probably in consequence of the Act of that year, 4094-4096—Payment of superannuation allowances according to the Act of 1848, and gratuities according to that of 1859; provisions and operation of these Acts, 4097-4104. 4107-4117. 4124. 4136. 4142. 4152 *et seq.*—Opinion that the Act of 1848 was wisely and prudently framed, 4105.

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Burnell, Serjeant William. (Analysis of his Evidence.)—As serjeant in the Northampton borough police, witness testifies to the feeling in the force that there should be a claim to pensions after a fixed service, 3821-3831. 3841, 3842—Approval of half-pay after twenty years, rising to two-thirds after twenty-five years, 3827-3831—Desire of the men that full service should count on change from one force to another, 3832-3835—Strong feeling in favour of gratuities on death extending to children under thirteen years of age, where there is no widow, 3836-3839.

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Chambers, James. (Analysis of his Evidence.)—Has served as constable in the Buckinghamshire police force for seventeen years, 2550-2552—Feeling of the men that there should be a certainty of pension after a certain service, 2553-2555, 2562—It is suggested that twenty years' service should entitle to half-pay and twenty-five years' service to two-thirds, 2556-2558, 2563-2572—Approval of some distinction with reference to meritorious service, 2559, 2560—Liberal treatment generally of the men in the Bucks force, 2561, 2646.

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Chester City and Borough. Total of thirty-eight men as the force under witness as chief constable of Chester City and Borough, three of whom are over fifteen years' service, *Fenwick* 2008-2013—Deduction of 2½ per cent. made towards the superannuation fund, besides which there are the moiety from penalties in cases of drunkenness, *ib.* 2014-2022, 2083—Exhausted condition of the fund owing very much to the charge of 100 l. a year for witness' predecessor since 1864; hardship in this charge being all levied on the fund, *ib.* 2016-2020, 2028-2035, 2098-2108.

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METROPOLITAN POLICE:

1. *Superannuation Fund and Scale of Pensions.*
2. *Pensions on Medical Certificate.*
3. *Total Force, and Number of Pensioners.*
4. *Length of Service.*
5. *Dismissals.*
6. *Rate of Pay.*
7. *Police Rate.*
8. *Voluntary Aid to Widows.*
9. *Feeling in favour of a Claim to Pensions after a fixed Period of Service.*

1. *Superannuation Fund and Scale of Pensions:*

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2. Pensions on Medical Certificate:

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4. Length of Service:

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